WHAT IS A PEACE PROCESS?
BENNY MORRIS

QUESTIONS FOR KERRY
MARTIN PERETZ

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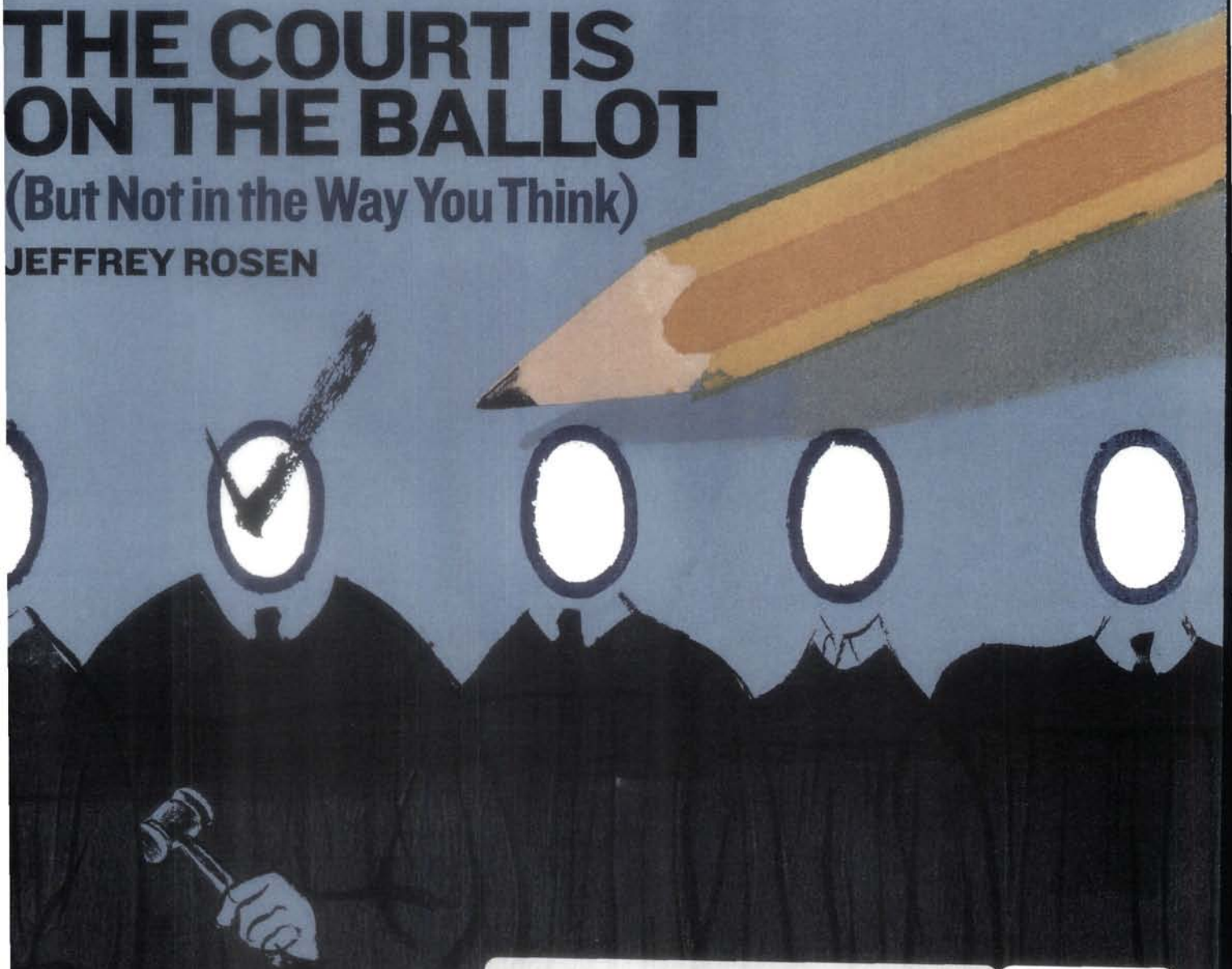
THE NEW REPUBLIC

THE COURT IS ON THE BALLOT
(But Not in the Way You Think)

JEFFREY ROSEN



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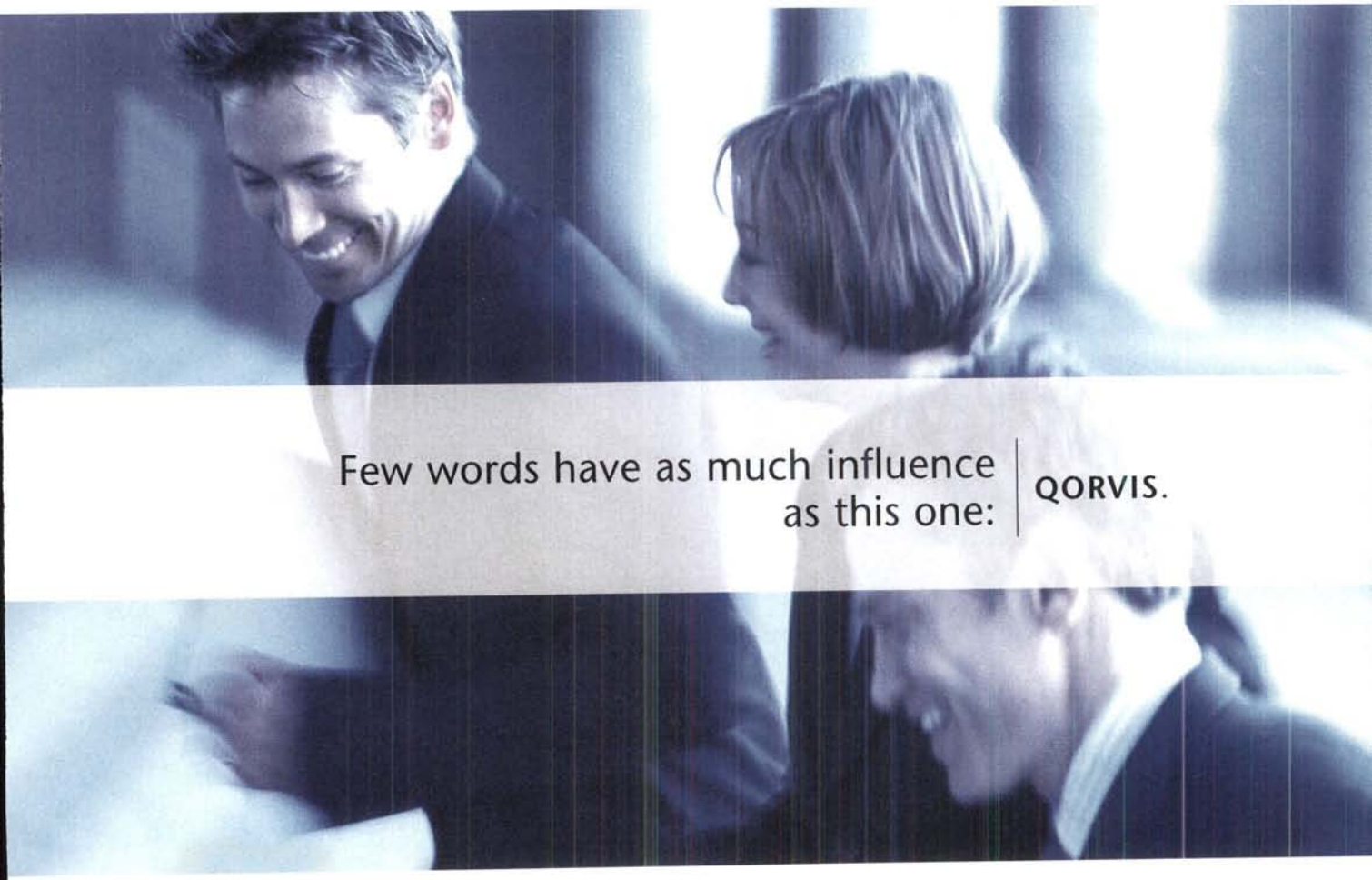

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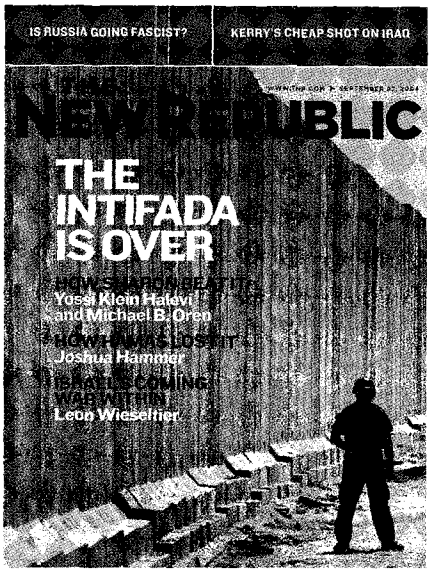
CORRESPONDENCE

WAR ON WAR

I WAS INCORRECTLY QUOTED BY YOSSI Klein Halevi and Michael B. Oren as having said that the creation of the state of Israel has been a "mistake" ("Center Right," September 27). This is a damaging error caused by the wrong translation into Arabic made by a Saudi journalist. What I did say is that, after the Balfour Declaration, the very bad management of its consequences by the British Foreign Office had been a big mistake—certainly not that the Balfour Declaration itself was a mistake. It makes a lot of difference, and I would be grateful to you to inform your readers of this important correction.

MICHEL ROCARD
Former Prime Minster, France
Member, European Parliament
Brussels, Belgium

HALEVI AND OREN'S SUGGESTION—that "the moral necessity to defeat terrorism supersede[s] the moral necessity to address the grievances of those in whose name terrorism is committed"—rests on the unexpressed claim that addressing grievances can *never* be part of a strategy to defeat terrorism or, at least, that even partially addressing grievances always detracts from the struggle against terrorism. In this vein, they contend that changing the route of the security fence to follow "the pre-1967 border," in response to a decision of the Israeli Supreme Court, would deny "[a] key component of winning the war on terrorism" by "grant[ing] the Palestinians territorial gains through terrorism beyond what they were offered at the negotiating table." Curiously, in supporting this "key component," Halevi and Oren do not discuss the settlers' claim, endorsed for a long time by Ariel Sharon, that the fence itself rewards terrorism. (But think how many more lives could have been saved had Sharon recognized earlier that defeating terrorism justified building a fence, even if it had left some settlers outside.) At a minimum, it is no answer to the fence or withdrawal from Gaza—or other measures they may oppose—simply to intone, "No territorial gains through terrorism!" Halevi and Oren need to consider the possibility that Palestinian



terrorism may not be fully and finally defeated until legitimate Palestinian grievances are addressed. As Edmund Burke long ago realized, "[T]he use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered." Yasir Arafat's unwillingness or inability to make peace in 2000 does not excuse Israel, in its own interest, from addressing legitimate Palestinian grievances so far as it can stay consistent with its own security needs.

The authors also overlook and misstate crucial points about the Israeli Supreme Court's decision. First, it did *not* result from terrorism; it resulted from Palestinians peacefully seeking a redress of grievances through the Israeli courts. Second, the Court did *not* order the government to follow the border. Rather, after deciding that the fence was being built for security, not political, reasons (and, hence, was legal), the Court considered specific challenges to the route. Here, the Court and the government agreed that the security benefit of the route must be "proportionate" to the injury to the local inhabitants. In one area, for example, the Court found no proportionality because the injury was "severe and acute"—cutting off more than 13,000 farmers from the land and trees, "which are their livelihood, and which are located on the other side of the Separation Fence"—and because a less injurious route could provide essentially the same security.

DAVID A. GUBERMAN
Newton, Massachusetts

HALEVI AND OREN DO NOT GIVE sufficient emphasis to the one factor unique to Israel's predicament: the persistence, pervasiveness, and extremism of anti-Semitism. Arafat's war of terrorism on Israeli civilians has not only unmasked Oslo's promise of peace as a cruel hoax, but it has also provided much of the world once again with an excuse to indulge anti-Semitism openly and unleash it against Israel. Israel now faces a world community that refuses to condemn even the most horrific Palestinian massacres of Israeli children in their homes, schools, buses, and neighborhoods, yet rushes to denounce it for every offense (real or imagined) that it can conjure up. Among the condemnations are an alleged massacre of Palestinians in Jenin—that the United Nations itself later admitted was a fiction—and Israel's construction of a humane, nonlethal, and nonpermanent security fence that has dramatically reduced terrorist attacks and saved countless lives on both sides of the conflict. Blame of Israel for the death of Muhammad Al Dura is an injustice that still has not been rectified. Israel's war against terrorism will not be won until Israel's Arab neighbors accept Israel's right to exist in peace and the world community judges Israel by the same standards as all other nations.

STEPHEN A. SILVER
Walnut Creek, California

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Open for Thought

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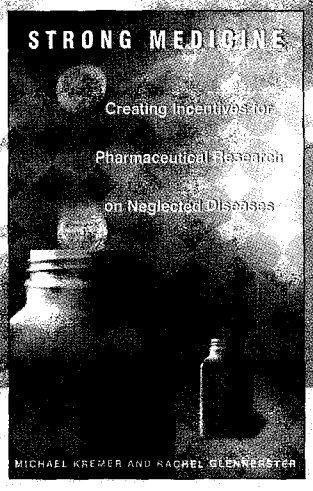
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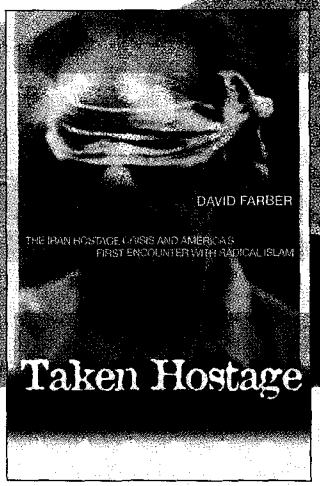

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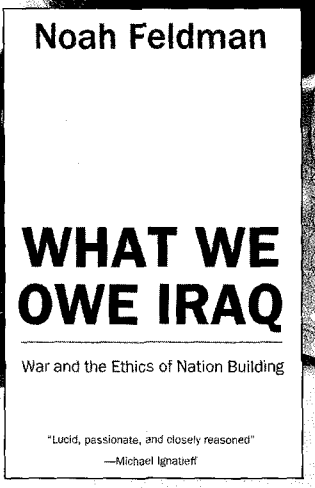
Noah Feldman
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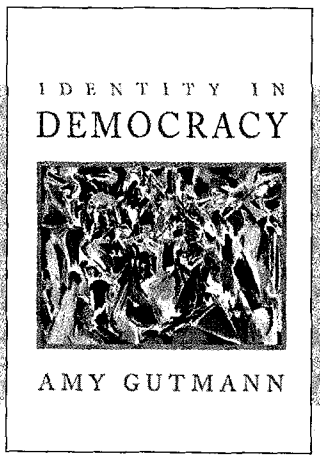

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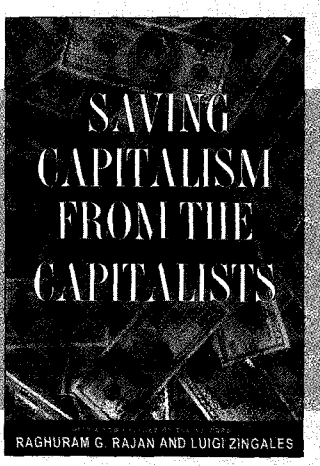

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Easy Does It

TRB FROM WASHINGTON

BEHIND ALL THE REPUBLICAN screaming about voter fraud and all the Democratic screaming about voter disenfranchisement is this fundamental truth: Liberals and conservatives don't see voting the same way.

Conservatives don't want to make voting easy. They don't want to make it impossible. They don't even want to make it excruciatingly difficult. They just don't want to make it easy. Their rationale is that easy voting allows voter fraud. But there's a deeper explanation. Of course, voter fraud is a bad thing, but it's also the natural, perhaps inevitable, result of higher turnout. The reason conservatives always oppose this trade-off (besides the partisan fear that higher turnout might hurt the GOP) is that, philosophically, they don't think higher turnout is necessarily a good thing. The Republican Party pays lip service to cultural populism, but, among serious conservatives, there remains an older strain of principled elitism, a fear of the uninformed masses, which are motivated by passion rather than reason. I'm not saying contemporary conservatives are anti-democratic; they just don't think greater political participation will produce better government.

As a liberal, I think conservatives are wrong: Voting should be easy. If easier access to the polls produces a little fraud and a lot more participation, it's worth it. It's worth it not because new voters will make thoughtful decisions at the voting booth but because, by bringing them into the political process, we have a chance of transforming them into the kind of voters who will.

In *Bowling Alone*, Harvard's Robert Putnam notes that "some recent evidence suggests that the act of voting itself encourages volunteering and other forms of good citizenship." In particular, it may inculcate greater faith in the democratic process. As Columbia University's Penn Kimball explained in his 1972 study, *The Disconnected*, "Those whose lives are untouched by any sort of involvement [in the political system] have no framework of experience by which to develop the patience and appreciation for the complexities or trade-offs of evolutionary progress." That makes them easy prey for demagogues, such as Louis Farrakhan or Lyndon LaRouche, who offer quick, often illiberal, fixes to entrenched problems.

Inculcating democratic values becomes even more important when you realize that a disproportionate percentage of the "disconnected" are African American, a community with a deep suspicion—fueled by centuries of exclusion—of the political process. Given America's toxic racial history, overcoming that suspicion is critical to the health of our political system. But, since conservatives view higher black turnout largely as an opportunity for fraud (when was the last time you heard a conservative warning about white suburban fraud?), they generally oppose efforts to increase African American participation.

For starters, they refuse to admit there are any genuine obstacles to such participation now. When the U.S. Commission on Civil Rights found that black voters in Florida were almost ten times more likely than nonblacks to have their ballots rejected in 2000, conservatives noted indignantly that the Commission had not proved intentional disenfranchisement. But what if blacks' ballots weren't counted in part because they live in counties with inferior voting equipment and poorly trained polling workers? Since paying staff and buying equipment has traditionally been a local responsibility, it's logical that financial disparities between counties would produce disparities in the number of spoiled ballots. That's why, after 2000, the National Commission on Federal Election Reform, overseen by Jimmy Carter and Gerald Ford, proposed that states ensure that their counties' error rates not fluctuate wildly between rich and poor, white and black.

Unfortunately, that hasn't happened. In 2002, Congress created the Election Assistance Commission, which was supposed to help states improve their voting procedures. But President Bush and the Republican congressional leadership didn't appoint its members until nearly a year after the deadline. Last year, the Commission only received $2 million of the $10 million it was due. This January, it still had no office or phone line. Since one of the Commission's functions was to disperse money set aside by Congress, states have received far less help upgrading their voting systems than they were promised. And even federal assistance that doesn't require the Commission's authorization has been painfully slow in coming. As *The New York Times* noted this February, the president's fiscal-year 2005 budget allocates only $40 million of the $800 million promised for electoral reform. In September 2003, Doug Chapin, director of the Election Reform Information Project, told *The Washington Post*, "The states have really moved forward on their end of the bargain, but the federal government has yet to do that."

You can see the effect in Ohio. In 2000, most Ohioans voted on punch-card ballots. The antiquated machinery—which, if not well-maintained, can easily produce the "chads" immortalized in Florida—particularly disadvantaged African American voters, who live in poorer areas with fewer well-trained poll workers. According to the ACLU, African Americans in two key counties were far more likely to have their ballots spoiled than whites. In late 2003, Ohio officials were expecting $60 million in federal money to buy new machines for every county in the state. But the money didn't come. "We are ready to move forward," said Republican Secretary of State J. Kenneth Blackwell last November, "but we simply don't yet have the money from the federal government that we need to complete our statewide system transformation." Ultimately, the lack of timely funding—plus concerns about instituting new technologies in such a short time—forced the Buckeye State to shelve the upgrades. And that virtually guarantees that, once again, poor and black voters are less likely to have their votes count.

The irony in all this is that, under *Bush v. Gore*, which invalidated the varying voting procedures in Florida's different counties, Ohio's inequities may be unconstitutional. But the Bush campaign need not worry. The conservatives on the Supreme Court were never serious about equalizing ballot access. They just wanted their side to win—which makes them pretty much like conservatives everywhere else.

PETER BEINART

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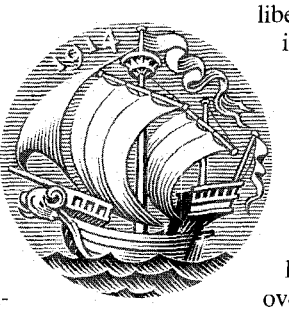
Priceless

THERE IS A simple way to understand economic policy-making under George W. Bush: Whichever pressure group has the strongest and most direct stake in an issue gets its way. Wealthy individuals and business owners have received large tax cuts; farmers have gotten lavish assistance; and insurance and drug companies won enormous subsidies in the Medicare prescription-drug bill. When steel firms lobbied for tariffs, Bush granted them. When automakers and other manufacturers later lobbied Bush to reverse course, complaining that those tariffs had raised the cost of the steel they buy, he began to back down. If there's a single prominent case where Bush offended a powerful corporate interest—except to benefit an even more powerful corporate interest—we have not come across it.

It is therefore fitting that the final bill Bush has signed before voters have a chance to cast judgment on his term represents the apotheosis of this appalling tendency. With no public ceremony at all, Bush last week approved a grotesque and completely indefensible corporate tax bill. If anybody needs a final reminder of this administration's lack of concern for the national interest—indeed, the lack of a policy process that could even conceivably advance it—this is it.

The latest installment of this revolting saga began in March, when the European Union began imposing new tariffs as retaliation for the U.S. refusal to repeal a $5 billion per year export subsidy that the World Trade Organization said violated fair trade practices. This prompted Congress to rescind the subsidy. So far, so good. Then, predictably, Congress decided that the savings from killing the subsidy could not be used to reduce the deficit. Instead, the money had to go to tax breaks. And, rather than using the money for broad-based tax breaks, Congress decided on specific tax breaks for manufacturers. Why is this dumb? Because economists across the political spectrum have long held that, if the government rewards one kind of economic activity over another, it distorts the economy. Worse, those who don't qualify for preferential treatment will press the government to be reclassified.

That's exactly what happened. First, Congress redefined "manufacturing" to include engineering contractors (under pressure from Bechtel), companies involved in mineral extraction (for the benefit of Exxon Mobil), and virtually anybody else who hired a lobbyist. Later, the pretense of helping manufacturers was dropped entirely, and everybody from the importers of Chinese-made ceiling fans to foreign citizens who earn money gambling on American dogs and horses won special provisions. One lobbyist involved in drafting the bill confessed to *The Washington Post* that the whole thing represented "a new level of sleaze." In the end, the breaks given out will substantially exceed the cost of the rescinded subsidy, driving the deficit even higher.



There is plenty of blame to go around. The GOP-run Congress utterly abdicated its responsibilities by allowing the bill to degenerate into a lobbying free-for-all. Only a few Democrats bothered to put up a fight, with most deciding it was best to hop aboard the gravy train themselves. Louisiana Democratic Senator John Breaux gave voice to unprincipled capitulation when he told *The New York Times*, "In the end, you need to get things done." (Breaux is retiring and reportedly entertaining lucrative offers to work as a lobbyist.) And John Kerry inexplicably failed to campaign against the bill, eliminating any pressure to oppose it.

But the ultimate responsibility lies with the Bush administration. It is in Congress's nature to act like a pig at the trough. The reason *this* sort of spectacle is so rare is that most presidents have some sense of responsibility to the national interest. Conservatives, liberals, and moderates have all denounced this bill. (Conservatives recognize the "tax breaks" to be thinly disguised pork.) It is a naked payoff, and there's no principled reason, from any ideological perspective, to support it.

That's why it is so emblematic of Bush's presidency. Previous presidents have done things that have alienated conservatives or moderates or liberals. But is there any president in recent memory who has enacted major legislation that is *universally* regarded, excepting its direct beneficiaries, as bad public policy? If so, there certainly can't be one who, like Bush, has done so over and over again. (We're referring here to the farm subsidies, the Medicare bill, and other giveaways listed above.) Some endorsements of Bush have expressed hope that, in a prospective second term, he will either moderate his views or hew more firmly to conservative principles. Both possibilities would constitute an improvement. Neither, alas, would be remotely plausible. ■

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NOTEBOOK

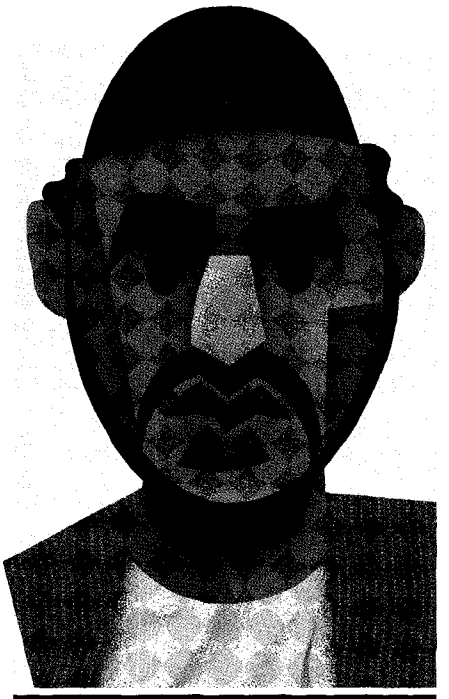
BUSH PASSES ON A FLU SHOT . . . AND A SHOT AT ZARQAWI

TERRORIST AS METAPHOR

ABU MUSAB AL ZARQAWI ISN'T just a Jordanian jihadist adept at slaughtering Iraqis and American troops. In the hands of President Bush, he has become a shorthand rebuttal to John Kerry's argument that the Iraq war has been a diversion from the fight against Al Qaeda: "If Zarqawi and his associates were not busy fighting American forces in Iraq, does my opponent think they would be peaceful citizens of the world? Does he think they'd be opening a small business somewhere?"

But Zarqawi should really be a metaphor for something else: gross cynicism about national security. As *The Wall Street Journal* reported this week, American officials had identified Zarqawi as a critical terrorist target in spring 2002. By June of that year, Pentagon officials had drawn up options for a strike against Zarqawi's base in Iraqi Kurdistan—only to get no response from the White House for nine months, at which point they were told to delay an attack until the war began. By then, of course, the administration had repeatedly alleged that Zarqawi was a crucial link between Saddam Hussein and Osama bin Laden. (Whatever Zarqawi's connections to bin Laden, his camp was beyond Saddam's control in the northern no-fly zone, and there is no evidence that he ever worked with Saddam.) According to a March 2004 NBC News story, "[T]he administration feared destroying [Zarqawi's] terrorist camp in Iraq could undercut its case for war against Saddam."

National Security Council spokesman Jim Wilkinson told the *Journal*, "Because there was never any real-time, actionable intelligence that placed Zarqawi at [his camp], action taken against the facility would have been ineffective." Too bad the uniformed military doesn't agree. Retired General John Keane, then the Army's vice chief of staff, claims that Zarqawi's base was



Abu Musab Al Zarqawi

"one of the best targets we ever had." By the time American forces eventually struck, Zarqawi and his fighters had fled. It's hard to imagine what could be more cynical than Bush using Zarqawi's presence in Iraq to bolster his case for reelection after letting the terrorist go free in the interest of presenting an uncomplicated (and invalid) case for invading Iraq. But, if Bush is reelected, we'll probably find out.

THE GOP'S POOR TAX IDEA

REPUBLICANS, IN THEIR ONGOING effort to overhaul the U.S. tax code, have hit upon what they believe to be a wonderful idea: Scrap the income tax and replace it with a national sales tax. Georgia Republican Representative John Linder introduced a bill to do just that in 2003 and, since then, it has attracted 54 co-sponsors. In August, Bush referred to it as "the kind of interesting idea we ought to explore seriously." But, now that the Democrats have taken the president up on his call for further exploration and turned the sales tax into a campaign issue, Republicans are crying foul.

The Democratic Congressional Campaign Committee recently began running ads accusing Republican incumbents who back the bill of supporting tax cuts for the rich while others get "a new big tax on every clothes purchase, our food, our cars and trucks, even our homes." The ads drew a sharp reply from Linder, who claimed, "This is a replacement tax, not a new tax," and pointed out that his proposal was "revenue-neutral."

But, of course, something can be both "revenue-neutral" and also indefensibly regressive—which is exactly what Linder's proposed 23 percent sales tax is. Yes, the sales tax is designed to raise $1.7 trillion, the same amount the IRS currently collects each year in individual income and payroll taxes. So it is not an increase in the nation's taxes overall. But, for millions of poor people, many of whom pay no income tax, a federal sales tax would represent a massive tax hike—both in absolute terms and relative to others. That's because the poor tend to spend a larger share of their income than the wealthy (especially on items like food and clothing, which are generally exempt from state sales taxes). Eliminating the mortgage deduction that is currently part of the income-tax code could also dent home ownership, as the Democratic ads rightly imply. And, by raising prices, a sales tax could ultimately depress consumption and hurt corporate profits, too. Maybe it's time for the GOP to go off and explore some other ideas.

A SHOT OF COURAGE

WITH DOSES OF FLU VACCINE IN short supply, Bush has set an example and forgone his own shot this year. And, in 2002, when the president ordered the U.S. Armed Forces inoculat-

DAVID COWLES

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ed against smallpox, he similarly led the way—in that instance, by getting a shot. "As commander-in-chief, I do not believe I can ask others to accept this risk unless I am willing to do the same," he declared at the time. With regard to the anthrax vaccine, however, Bush has been uncharacteristically modest in his leadership. While the inoculation is mandatory for servicemen deployed in "high risk" areas, dozens of service members—citing reports of severe side effects and the absence of anthrax stockpiles in Iraq and Afghanistan—have refused it and faced court-martial. But what about the president? What if, in an attempt to reassure service members, he had received the inoculation but forgotten to let us know? THE NEW REPUBLIC called the White House to find out. Spokesman Allen Abney first told TNR that it was his "recollection" that Bush had received the vaccine, but then decided he would need to check. He later informed us that he had attempted to contact the president's doctor, but the doctor was out—and, in any case, privacy laws could present a problem. Since then, however, Abney has been mysteriously distant, away from his desk and apparently unable to return our phone calls. So has everyone else at the White House. The question, therefore, remains unanswered—sort of. In any case, even those who question Bush's bravery have to admit that the president, when faced with danger, has never flinched from putting others in its way.

A PSEUDO-CORRECTION

"News Corp.'s Fox News was incorrectly described in a page-one article Monday as being sympathetic to the Bush cause." —*The Wall Street Journal*'s corrections page, October 26, 2004

A REAL CORRECTION

RYAN LIZZA'S NOVEMBER 1 ARTICLE, "Backward," gave the incorrect date for a Bush rally in New Jersey. It was October 18, not October 25. ■

TNR.commentary

Campaign Journal

RYAN LIZZA

MONDAY MONDAY: For John Kerry, October 25 was a day of loose ends. Despite all the data points that reporters aboard Kerry's campaign plane were swapping indicating that there is a small shift toward the guy they're covering—"He's pulled ahead in *The Washington Post* tracking poll!" "Zogby has him up four in Colorado!"—Monday was a reminder that the American electorate is like a game of Whack-a-Mole: Every time Kerry thinks he has got a state or constituency locked up, it jumps out of its hole and demands another thump.

Early Monday morning, Kerry found himself back in New Hampshire. Long ago, Kerry aides made the not-implausible argument that, had Al Gore picked Kerry as his running mate in 2000, the New Englander would have won New Hampshire and thus the presidency for Gore. But the recent average of New Hampshire surveys shows Kerry leading by just two points. At this point in the campaign, Kerry was probably hoping he wouldn't have to drag himself back to the Granite State to shore up its four electoral votes. But it required another whack.

And then there was the event itself. At Dover High School, Kerry hosted a share-your-pain roundtable with five working women whose families are being squeezed by rising health care costs, a reminder that the Democrat is underperforming with women. Pollster Stanley Greenberg, a Kerry adviser, notes in one of his most recent analyses of the race that the gender gap has been reduced from 22 points in 2000 to just ten points now, a change that is being driven by a recent surge for George W. Bush among non-college-educated women. "You've really been through the ringer," Kerry said as he asked a woman to tell her story and explained how his health plan would help. Thump.

Later, in downtown Philadelphia, Bill Clinton's return to the trail brought out some 100,000 people but also pointed out the fact that Kerry is having problems with black voters, the constituency that Clinton is supposed to help turn out.

Next stop: Michigan. Walking into Macomb Community College in Macomb County—where Greenberg coined the term "Reagan Democrats" in 1985—the entire Kerry press corps found itself sandwiched between Jon Bon Jovi and several thousand local Democrats. I had the same thought that members of the Kerry campaign probably had: What are we doing here? Kerry was supposed to have locked up Michigan. The Democratic get-out-the-vote organization America Coming Together pulled out of the state weeks ago, so confident was it that Kerry would win here. After solid leads in Michigan for almost two months, a couple of recent polls showing a Bush edge spooked Kerry, and the campaign decided to drop into the state.

Politically, October 25 was a day spent tying up loose ends in these three states, but news-wise, it was about Clinton's return and Kerry's new attacks on the missing Iraq explosives. What was striking about Clinton's appearance is what it tells you about how he views the race. It was the Clintonite takeover of the Kerry campaign that righted the ship by refocusing the debate on Bush's failures in Iraq; but it's not clear that is what Clinton himself actually counseled. A wider debate in the Democratic Party concerns what balance Kerry should strike between domestic and foreign issues. After flitting from trying to focus on one to trying to focus on the other, Kerry's closing argument is that America needs a president who can do both. Clinton seems to disagree. He spent almost no time on national security in Philadelphia. "You've got a clear choice between two strong men," Clinton said. He did also point out that Kerry wants a bigger army, more allies in Iraq, and more emphasis on homeland security than Bush. But I read the phrase "two strong men" and the weight given to domestic policy in the rest of the speech to mean that Clinton is in the camp that believes that, if the question is national security, the answer will probably be a Republican this year.

As for the explosives story, it shows once again how effective the Kerry campaign has been at turning the spotlight away from its candidate and back onto Bush's failures. Bush's problem is that he has run out of news to make. He has been making the same case against Kerry for almost eight months, and the press corps has tired of it. Kerry's team, meanwhile, gets up every morning and feeds the press a new anti-Bush angle. Even though Kerry is now doing four stops a day, after he makes his news (generally at the top of his remarks at his first stop), reporters covering him spend little time listening. This system has almost totally ended stories about Kerry's rambling speaking style and inability to read a speech without adding dozens of subclauses and many uses of the word "extraordinary." Kerry still does that. It's just that the press has largely stopped covering it. It's one loose end he no longer has to worry about.

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Questions for John Kerry.

Us and Them

BY MARTIN PERETZ

THERE WAS MORE horrid news out of Iraq this month: evidence that some 300 women and children had each been shot in the head and buried in a mass grave. One hundred fifty-six men were buried nearby in the same killing field. Alas, there are 40 such mass graves that we know of. A team of archaeologists, anthropologists, and technicians has been assembled by the hard-pressed Army Corps of Engineers—which came to the country primarily to bring relief to living Iraqis—and is doing the intricate, grisly work of exhumation. The site in Hatra, north of Baghdad, as *The Boston Globe* reported, is the first to be "scientifically exhumed." And why not bring in other competent experts, who have worked in Bosnia, for example, to disinter others? "[B]ecause European forensic teams won't collect evidence that might be used to win death penalty convictions." How delicate! The last refuge of scoundrels is not patriotism. It is finicky liberal humanitarianism.

Let me immediately allay your suspicions. These trenches of innocent dead were not filled recently. It is true that killers still furtively murder in some places in Iraq. Ideological thugs also dragoon people out of their homes and behead them for video showings. But no one can organize a vast massacre and bulldoze the victims into a pit. Hatra and other sites of monstrous cruelty, resting places for the hundreds of thousands of victims of the Baath, are Saddam Hussein's macabre legacy. That legacy would remain a living one, continually swelling itself, had George W. Bush, a president whose electoral legitimacy I still doubt in late-night private moments, not launched a war against it.

How would John Kerry have dealt with Saddam? He has told us Saddam needed to be "confronted." But the word itself—which implies that the United States could have overthrown Saddam without using military force—tells us what we need to know. Had the United States and our allies not embarked on this war, the Iraqi mass murderer would still be in power. And, were international sanctions gone, as they soon would have been thanks to Russia and France, he would have been on his way back to having and deploying weapons of mass destruction. And the senator from Massachusetts would not have raised his voice.

Now, of course, the WMD rationale for war has dissolved like a mirage in the Mesopotamian desert. For Kerry and for Democrats, this has simply dissolved the case for the war. Finis. Which leaves us with the dilemma of how we deal with regimes that commit genocide. Saddam's genocides seem not to have provoked Kerry at all, nor, for that matter, did the genocide in Rwanda. (When U.N. Ambassador Madeleine Albright finally tried to focus the Clinton administration on the government-sponsored massacres there, Kerry was not exactly an ally.) It is true that, during the first presidential debate, Kerry limply suggested that perhaps, as a last resort, some American troops should be sent to Darfur, Sudan. But I haven't heard him mention it much since, which says something about his seriousness.

Kerry's main problem is that the United Nations, the designated proctor for his "global test," is an impediment to prompt and effective action against savage governments. The United Nations was set up largely to protect the territorial integrity of its member states. But, with a few exceptions, states no longer make war on their neighbors—they make war on segments of their own populations. (Of course, even in that rare case where one state *did* invade another, and the United Nations endorsed military action—Saddam's invasion of Kuwait—Kerry did not. In that vote, and in others, he carries on a tradition of Massachusetts isolationism. Democratic politicians in the Commonwealth did not want to send aid to Great Britain before World War II, and Joseph Kennedy, JFK's father and FDR's ambassador to the Court of Saint James, was a rank appeaser.)

The savagery of governments against their own people, usually against a defined ethnic or religious minority, has been a consistent feature of the postwar world. Not charged in its charter with dealing with such cases, the United Nations has simply looked the other way, or worse. In the 1960s, it sided with the Nigerian government against the Ibos of Biafra; with Kofi Annan in charge of the U.N. presence in Rwanda, genocide unfolded there; and, with Annan again in charge of the blue helmets in Yugoslavia, many massacres took place in Bosnia. Likewise, over decades, it did not see—because it did not want to see—what was going on in Iraq.

Darfur is a repeat in extremis of these other genocides. It is not the first genocide perpetrated by the government in Khartoum. For years, this fanatic Islamist regime, formerly allied with Al Qaeda (Osama bin Laden took refuge in Sudan before he went to Afghanistan), has waged a relentless war against its Christian and animist population. It was only after murdering a satisfying number of these infidels that it went after the country's black Muslims. At the United Nations, the Arab League and various coalitions of Muslim states have conspired to maintain the organization's eunuch character vis-à-vis Sudan—which, it should be noted, is a member of the Human Rights Commission. The cover for the U.N.'s indifference is the presence in Darfur, at the initiative of the secretariat, of 300 soldiers of the African Union (AU), led by Nigeria, a country itself prone to state-sponsored ethnic massacres. This AU gendarmerie is rescuing no one.

WHEN I LISTEN to John Kerry speak about the United Nations, I recall myself in a grade-school classroom in New York 55 years ago. At the front was hung a banner

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with a map of the Earth on a pale blue cloth—the organization's flag. The legend underneath reads, THE WORLD'S LAST BEST HOPE. This would now be a macabre joke. The United Nations is bloated and corrupt, and its putrescence extends to the secretary-general's very family and his inner office. Were its headquarters located in Lagos or Beijing, it would disappear because no one would come.

But, of course, the United Nations is located in New York City, where it is planning a multibillion-dollar physical rehabilitation and expansion. It instinctively grasps where its make-believe destiny lies. Yet, intrinsically and practically, it is following the path of the League of Nations. The League couldn't protect the rights of national minorities in the multiethnic states established at Versailles. And, in a sense, the U.N.'s culpability is even greater, since it often has a presence in the countries where the killings take place. As hundreds of thousands of noncombatants are slaughtered, the United Nations watches on the ground and dithers in New York while its diplomats dine out on their importance at the city's elegant salons and eateries.

Of course, there is one place where the United Nations does act reflexively and quickly: Israel. Hardly a week goes by that the secretary-general or one of his flunkies does not severely reproach Prime Minister Ariel Sharon's democratically elected government. You can pass a sweeping resolution condemning Israel anytime, anywhere at the United Nations (except in the Security Council, where the United States has a veto). Indeed, much of the U.N.'s public business concerns the supposed depredations of the Jewish state—given the numerical prowess of Arab and Muslim states in the organization and its agencies. But, listening to Kerry talk about the United Nations, you would not think its very routines are at all problematic. (And, since he has so much esteem for the United Nations and the "world community," who can be sure that Kerry would employ the "permanent member" veto power on Israel's behalf?)

The European Union also has great cachet with Kerry, and its mischievous views on the Israeli-Palestinian conflict are shared by Kerry advisers like Martin Indyk and Rand Beers. The European Union disapproves of Sharon's plan to vacate all of the Gaza settlements and four in northern Samaria, claiming this is a cover for Israel retaining the rest of the West Bank. As Deputy Prime Minister Ehud Olmert has made clear, the present Israeli government intends to withdraw tens of thousands of settlers from their homes. But it will not return to the precarious cease-fire lines of 1949. Yet, for France and Spain and, for that matter, Indyk, Israel's withdrawal must be complete—that is, to the old frontiers, as if these will suddenly bring it peace. These are not Bush's borders. And, since Kerry has not disavowed his advisers, it is more than reasonable to suspect that they are his.

Now, another Kerry eminence, Zbigniew Brzezinski, habitually cavalier about Israel's perils, has put out a hash of tattered ideas that include bringing European and Muslim troops to Iraq—and perhaps even persuading Iran to foreclose its nuclear option and ending U.S. isolation in the struggle against Islamist terrorism. All that, and just by leaving Israel in the lurch. Kerry's longtime foreign policy aide, Nancy Stetson, has been heard pooh-poohing his vague "only politics" assurances that he won't do something like that. In West Palm Beach, Florida, recently, and in other places throughout the campaign, Kerry has told crowds of Jews how he once sang "Am Yisrael Chai" ("the people Israel lives") across a chasm in the Negev desert. This schmaltz does not reassure me—and neither does Bill Clinton's Florida schmaltz.

JOHN KERRY SPEAKS, not unfairly, of George W. Bush's habits of denial. But Kerry himself is in denial. He is in denial about the United Nations. He is in denial about the Australian election that returned to office for an unprecedented fourth term its prime minister who has been, with his country, a pillar of the Iraq coalition. He is in denial about Japan, whose government, unlike Germany's and France's, does not carp at the United States. He is in denial about Afghanistan, where, for the first time in history, men *and women*, riding on donkeys and walking barefoot across great distances, have exercised the right to choose those who govern them. He is in denial about Iraq itself. The Jordanian daily *Al Ra'i* recently called Moqtada Al Sadr's apparent retreat from armed struggle "a farewell to arms" that is as politically significant as the establishment of the provisional authority. Has Kerry come close to recognizing this? Has he acknowledged that the Bush administration has negotiated with NATO a plan to send, starting in November, up to 3,000 soldiers to train Iraqi troops? These soldiers will be under the command of General David Petraeus, who is mustering the military might and political will to retake much of the Sunni triangle. Many Iraqis now have second thoughts about opposing the coalition. Even the BBC has said as much. But Kerry hasn't.

The European elites are indifferent to—if not downright disdainful of—the American personnel who risk their lives, bravely and delicately, in places like Hatra, to return the bodies of Saddam's victims so they might be properly mourned and buried. These are the governments whose moral approval Kerry seems to believe America needs. Yes, we have made mistakes in Iraq. Yes, Americans were surprised when large numbers of Iraqis, who had just been freed from decades of ferocious Baathist rule, could not see their opportunity for real freedom and reverted instead to the barbarous habits so ingrained in Iraq's history. I, who am skeptical of those who see much kindness on the Arab political street, did not envision this relentless fealty to the indiscriminate pitilessness that now characterizes the Iraqi opposition. Bush didn't see it, and Kerry didn't either. But Bush is doing something about it. And the uncivilized behavior of some Iraqis is another good reason for us to stay in the country. Otherwise, the barbarians will have won the day, and the future. ■

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Democrats' spurned media love.

Hard Press

BY MICHELLE COTTLE

WHAT REALLY HAPPENED to Terry Holt? One minute, the longtime Hill flack is on top of the world, serving up pithy quotes and making the chat-show rounds as chief spokesman for Bush-Cheney '04. The next, he has been shipped off to the Republican National Committee (RNC) to spend the last two months of the most important presidential race in recent history languishing in relative obscurity as Chairman Ed Gillespie's sidekick.

Was Holt exiled because of something he said? (There was that mini-dustup concerning a private speech he gave to young Republicans in which he called the media "the scum of the earth.") Did he leave because of personal issues? (A single parent, Holt had trouble keeping the punishing hours typically required of campaign staffers.) Or maybe he fell victim to Bush World's infamous message police. (Gossiping reporters note that Holt, a veteran of the more press-friendly culture of Congress, often came perilously close to violating the strict message line Bushies must toe.)

Alas, political junkies interested in the motive and meaning behind the rare axing of a prominent Bush-Cheney staffer must be satisfied with their own speculation. In a succinct September 9 press release, the RNC announced, but did not explain, Holt's transfer. The Bush camp made no official remarks about Holt's departure. And the congenitally nosy political media produced not even one behind-the-scenes explanation for the move. More than a month later, most journalists still aren't sure what happened to their chief liaison to Team Bush.

Compare this with the torrent of ink that has attended every personnel shift in the Kerry campaign. Bob Shrum is top dog. No, he's in the doghouse. John Sasso has been drafted to keep the candidate focused. The universally unpopular Stephanie Cutter has been displaced by the genial Joe Lockhart. The Massachusetts mafia is out. The Clinton mafia is in. Team manager Mary Beth Cahill has fallen so far down the food chain that she now rides in the cargo hold of the campaign plane. And each piece positively brims with criticism from anxious Dems about what such changes say about the candidate. (Kerry is a poor leader. He listens to too many people. He can't make decisions. He doesn't inspire confidence. He doesn't inspire loyalty. He's too influenced by Shrum. He's too influenced by Ted Kennedy. He's a dreadful windsurfer.)

Why the coverage gap? Perhaps because the many Kerry shifts seem to illustrate a larger point about the candidate, while one fallen Bushie does not a trend make. Then again, it could also be argued that the booting of a top Bush staffer from a campaign that so prizes loyalty and stability is itself newsworthy. "I kind of thought about that in the back of my mind," says a member of the national press corps. "If this were about Kerry, we would think it was a sign of coming disaster."

But, unlike chatty Democrats, who all but queue up to critique their candidate's every move (one network heavy-hitter joked to me that he no longer has time to field all the calls from leaking Dems), residents of Bush World do not talk out of school to the media, even about fallen colleagues. As a result, journalists are deprived of all those juicy, catty, insidery quotes that make campaign process pieces so delicious. Says one trail scribe who tried to get the back story of Holt's departure, "You couldn't get any of them to bite. Even on a subject that's pure gossip, they don't say anything other than what they are supposed to say."

Four years into the Bush-Cheney reign, it's hard to find a political reporter who doesn't voice frustration with this notoriously media-unfriendly White House. But it is also the rare reporter who won't admit that the Bushies' obsession with team loyalty and tight-lippedness is infuriatingly effective in helping them stay on message, even when the ride gets bumpy. "They're correct about that," says Dana Milbank, White House correspondent for *The Washington Post*. "Annoying—but correct." Thus, even in the wake of Bush's disastrous first debate with Kerry, when the senator's press and poll numbers began to rally, there was a notable dearth of stories about soul-searching or finger-pointing in the Bush locker room. (The morning after the president's humiliation, ABC's online political digest, *The Note*, tantalizingly promised "analysis with juicy blind quotes from advisers." But the single, solitary quote from Team Bush would barely qualify as moist—much less juicy—coming from any other campaign: "We are on defense. We were counting on Kerry being Kerry and he came to play. We didn't expect that.")

At this point, even Democrats acknowledge that the opposition is more adept at media management. "Democrats are less disciplined," says former Kerry campaign manager Jim Jordan (echoing others). "We're chattier, less discreet, more prone to sending advice and tough love to the campaigns through the press." Every operative and journalist has at least one theory about why this is: Democrats are inherently less hierarchical. Republicans have more respect for authority. Democrats never punish anyone for blabbing. Republicans have a more corporate mindset. When a presidential candidate lacks a trusted team, as did the past couple of Dems, the campaign is run by hired guns whose first concern is advancing their own careers—which, folks from both parties note, typically requires ingratiating yourself with the political media.

But another, less frequently discussed factor is that Democrats simply like the media more than Republicans do—or, at least, more than the Republicans currently running the show. They respect the profession more, feel more of a

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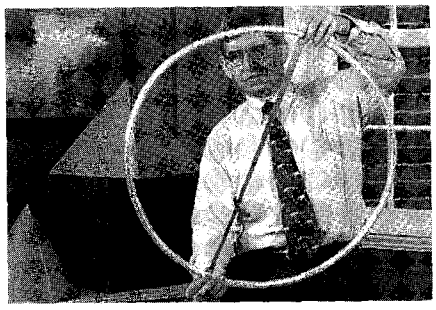

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kinship with reporters, and generally care more about being liked by the media than do members of Bush World. This relationship is as much about a perceived cultural affinity as any politically based "liberal media bias," and, contrary to what conservatives would have people believe, it hardly guarantees more sympathetic coverage of Democratic campaigns. In fact, as often as not, it winds up muddling Dems' working relationship with the media, leaving both groups unhappy with one another. And, as anyone in politics can tell you, a surly reporter is a dangerous one.

DURING A SEPTEMBER 22 visit with Katie and Matt on the "Today" show, Kerry flack Joe Lockhart attacked the Bush White House for its unwillingness to hold press briefings. "This administration has contempt for the public," huffed the Clinton administration spinmeister. "They don't think the public has a right to know."

Though far from objective, Lockhart's charge points to a key difference between his party's and the Bushies' views of the media's role in society. Democrats say (with some exasperation) that their party still accepts the idea of the media as an unofficial Fourth Estate of government, shaping debate and serving as watchdog for the public interest. As campaign consultant Kenneth Baer put it, "Democrats buy into this high and mighty role that the press has of itself." Because of this, say Dems, their team is too "susceptible to guilt" over denying access.

By contrast, the Bush administration does not regard the media as having a special role but rather as just "one of several constituencies to deal with," says former White House Press Secretary Ari Fleischer. "It doesn't set them apart as more important." This more dispassionate view gives Team Bush greater freedom to play hardball, refusing access and info that it feels aren't in its best interest to provide or, in more extreme cases, shutting out outlets or reporters with whom it is displeased. Guilt isn't a problem because, from the Bushie perspective, the mainstream media serves as an unwelcome liberal—or at least hostile—filter on information that the campaign thinks Americans should know. (This is, after all, the president who boasts that he doesn't trust newspapers and so relies on his staff to tell him what's really happening in the world.) In this White House, stiffing the press isn't seen as thwarting the public interest so much as serving it.

Dems' slightly elevated view of the media translates into deeper anxiety about how they are portrayed in it. "There's no question that we spend an inordinate amount of time trying to figure out *The New York Times*," says Carter Eskew, a top adviser to Al Gore in 2000. "When there's a bad story in the *Times*, it creates all sorts of incredible tumult and turmoil. I can remember in 2000, several times we had absolutely horrible process stories on the front page, and they were debilitating." (A debilitated campaign then prompts more bad press, which leads to more turmoil.) In part, the problem is cultural, posits Eskew. "Democrats are people who basically grew up going to the beach in the summer, and their parents had reserved a copy of the *Times* at the local supermarket. It was an important thing. They can still remember the excitement at seeing what was on the cover of the Sunday magazine." For these folks, the paper of record looms larger than life.

The Bushies, conversely, are famous for their antipathy toward the *Times* in particular and the "elite" (versus local) press in general. (Vice President Dick Cheney has blacklisted *Times* reporters from his campaign plane and has been extremely choosy about which reporters from other outlets are allowed onboard.) The Bush team respects the power of the elite press to drive coverage but frets less about individual stories, in part because their core supporters tend to care less. "The president's base are not readers of *The New York Times* anyway," says Fleischer. More broadly, he notes, if you don't think of the media as some exalted entity, you don't get as upset "when it bites you."

Which brings us to "liberal media bias." Survey after survey shows that more journalists identify themselves as left-leaners than right-leaners. Conservatives brandish these findings as proof that the media deck is stacked against them. Many journalists and Dems also acknowledge the existence of, if not an outright political bias, at least a broad cultural affinity between their members. But that doesn't assure Democrats an easier ride.

FOR STARTERS, NEWS outlets are sensitive to charges of bias (especially now, with Fox News thriving by courting conservative viewers) and so take pains to present both sides of any political story. More than one Democrat cites the famous James Carville complaint about the media's so-called evenhandedness: "We say one plus one equals three, and the Bush folks say one plus one equals three thousand, and you write, 'Both campaigns are wrong.' " Smart Republicans know how to take advantage of this paranoia, say reporters. "The Bush people know that a big, reputedly liberal news organization is going to bend over backward to try to be fair," says one member of the "elite press." From there, the reporter adds, it's a short step to overcompensating and going easier on a Republican than a Democrat. "I think Republicans know that in some sense. They kind of count on it."

By contrast, reporters don't feel obligated to cut Democratic campaigns slack. Admits another veteran journalist, "I have higher expectations of access from Democrats." This may stem partly from the sense that Dems run a looser, more open ship, but it is also the product of a perceived like-mindedness between Democratic operatives and reporters. "Democrats and reporters think of one another, 'Oh, you're a friendly soul. You're the kind of person I might be friends with outside of the campaign,' " notes the member of the elite press. "Whereas Republicans just know that you're a Democrat and you work for whatever God-forbid big liberal media entity and you're not going to be sympathetic." Unfortunately for Dems, reporters' higher

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expectations often mean they take disappointment that much harder, either when access is tightened (as inevitably takes place) or when a campaign appears to be foundering. ("When Democrats don't do well, I think the media's contempt factor really goes up," says Eskew. "They think, 'God, your campaign is so lame. How could you be losing to *this* guy?' ") Thus, while journalists invariably gripe about any candidate who's not available to them 24/7, Dems who curtail access seem to generate more media ire—and snarkier what-are-they-hiding-from pieces. Even as reporters say that Bush-Cheney has taken inaccessibility to new heights, they also note that Kerry has taken harder hits for his bouts of press shyness. They point to irritated news pieces about Kerry's rare interaction with reporters, such as a sarcastically headlined *Dallas Morning News* piece on September 15—"NEWS FLASH: KERRY TALKS TO TRAVELING MEDIA"—and agree that banning reporters from the senator's campaign plane would have brought him infinitely more grief than it has Cheney. And why not? Conservatives now complain so much about liberal media bias that no one really expects their candidates to cozy up to journalists. At this point, admit reporters, they've been trained by the Bushies to get nothing and like it.

Journalists are also wary of Dems' effort to exploit friendly relations between the two groups. "My overall sense is that Democrats expect reporters to be sympathetic with them and not be as tough on them," says a veteran political reporter. "And, when you are, they get squirrely and can freeze you out in certain ways." Many journalists have tales of woe about the Democratic chum who turned peevish after said reporter wrote a piece unflattering to the party.

Democrats, in turn, often get upset that their media friends aren't more high-minded in their coverage of Republicans' political tricks. Kerry's people were stunned that the media were not more outraged by the Swift Boat Veterans for Truth attack ads, says one Democratic strategist. "The Kerry campaign was complaining that the media should be condemning the attacks," he sighs, noting that Republicans understand that the media aren't going to immediately trash a hot story. "Maybe the op-ed pages will, but who cares? Republicans know the op-ed pages don't have a real impact."

A sensitive lot, political reporters get cranky when a campaign fumbles the basics—like not returning calls or providing inadequate story-filing time at rallies or (God forbid) running out of beer on the press plane. Though no one is officially polling on this issue, multiple journalists say the Bushies handle the details better than their Democratic counterparts. "I just think the Republicans are more businesslike," say one trail reporter. "They check in with you every day. You call them about stuff, and, even if it's stuff they don't like, they figure out how to deal with it." Even when they have no intention of helping you out, offers another reporter, they call you back to tell you that. Says another news veteran, "The whole dynamic of the plane is something that Republicans understand. [They] get the fact that it's not necessarily ideology that drives reporters, but that treating them like adults is an important part of the social contract." This is less of a problem with old political pros, say reporters, but campaign neophytes are more likely to be so busy befriending, resenting, or trying to exploit their relationship with the media that they forget to handle reporters like the temperamental beasts we are.

Republicans, meanwhile, say they are ever mindful of the danger posed by the media. "We have a healthy respect for the press," says Bush adviser Mark McKinnon, "but in the way that we do for dangerous zoo animals. We take care to feed and water them, but we don't get in the cage." "In a way, that's healthier," says Eskew. "If you know what the boundaries are, you can have a professional relationship and just say, 'Let's not pretend to be friends.' "

DEMOCRATS ARE THE first to admit that getting close to reporters has its hazards, even as they theorize that cultural similarities attract the groups. ("You don't see a lot of journalists living way out in Virginia and going to Sunday school with the Bushies," quips Baer.) For starters, the more that operatives mix socially with reporters, the greater the odds that they will wind up spilling their professional concerns after a few beers. And, even chummy reporters will "screw you over in a minute," says Baer. What's more, having personal relationships with reporters makes it that much harder to deny them information. Or, as Jordan puts it, "The intimacy between Democratic operatives and reporters makes it more difficult to lie."

So what's a concerned Democrat to do? For one thing, start punishing those who chronically gripe to the press. (Warning to ex-Gore adviser Tony Coehlo: This means you.) No one is expecting the party to impose a Bush-Cheney level of control. (McKinnon jokes that he has "scars on my backside from being taken to the woodshed" over minor infractions like appearing on a weekend news show without getting formal clearance.) But even a party that professes to be obsessed with openness and the public's "right to know" should have a way to (gently) jerk a knot in the hide of repeat offenders. "Some of the most well-known Democrats are the biggest leakers in the world," says Elaine Kamarck, a policy adviser to the Clinton administration and the Gore campaign. Far from disciplining leakers, marvels Kamarck, the party establishment seems strangely compelled to reward consultants "who go out and trash the candidates."

A more drastic solution might be for the Democratic National Committee to provide free counseling to its members, thereby lessening their need to treat reporters like makeshift therapists. For some, the urge to vent seems simply uncontrollable. In my talk with one party eminence, we had been theorizing for maybe ten minutes about why Democrats so frequently air their grievances to the media when he suddenly shifted gears to ask, "Can we talk about something else for just a minute? Why is the Kerry campaign such a fucking disaster?" ■

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The left still lacks a megaphone.

False Dawn

BY JASON ZENGERLE

THREE YEARS AND three days after their husbands were killed in the September 11 terrorist attacks, five women came to the National Press Club to make an announcement. The widows—Kristen Breitweiser, Patty Casazza, Monica Gabrielle, Mindy Kleinberg, and Lorie Van Auken—were no strangers to Washington news conferences. They had relentlessly lobbied Congress and the White House for a commission to investigate the terrorist attacks, and, once that commission was created, they hounded its members, making certain they asked the questions September 11 families wanted answered. In the process, the women—known as the "Jersey Girls," since four hail from the Garden State—became media stars and political powers. Katie Couric and Diane Sawyer sat with them for interviews, and 9/11 Commission Co-Chairman Tom Kean credited them with making the Commission's final report possible.

Which is why what the five women had to say last month in Washington, D.C., seemed momentous. Although none had ever been involved in partisan politics, and some had voted for George W. Bush in 2000, the Jersey Girls announced that they were endorsing John Kerry. Their reasons for doing so mostly had to do with Bush. "On September 11 ... President Bush failed to protect my husband," Casazza declared. Van Auken added, "This administration took their eye off the ball. They let Al Qaeda go. They let Osama bin Laden go." Finally, Breitweiser explained her endorsement in the most basic terms. "I am here because I am scared," she said. "I know John Kerry as president will make this nation safer than it is today."

The Jersey Girls, it seemed, were positioned to serve as the liberal analogue to the Swift Boat Veterans for Truth (SBVT). Like the Vietnam veterans who criticized Kerry's war record and his antiwar activities—and turned the presidential race on its head this summer—the September 11 widows were passionate and had compelling personal stories. And, like SBVT, which managed to make one of Kerry's greatest political assets into a liability, the Jersey Girls were undermining Bush on the very issue on which he'd staked his reelection: keeping Americans safe.

But then, strangely, no one paid any attention to the Jersey Girls. After the press conference announcing their endorsement of Kerry, only CNN and CNBC had the women on for interviews; the next day, a mere dozen newspapers carried articles about their entry into the campaign. The Jersey Girls had to fight to stay in the public eye. They attended Kerry's major speech on Iraq at New York University a few days after their press conference, and Breitweiser traveled to Miami to attend the first presidential debate (no small matter, considering she had not set foot on an airplane since before September 11). But none of it seemed to matter. The media seldom reported their remarks; when Breitweiser trooped around spin alley after the first presidential debate—standing underneath a sign reading KRISTEN BREITWEISER, 9/11 WIDOW—she was largely ignored.

Today, six weeks after their announcement, the Jersey Girls are virtual nonentities—their few interviews mostly coming with liberal talk-radio hosts. "They were all over the media and had no problem getting access to the media before they endorsed John Kerry," says David Brock, the former right-wing journalist who now runs the liberal media watchdog Media Matters. "But, subsequent to their endorsement, they've hardly been seen or heard. It's odd."

And telling. The Jersey Girls' inability to insert themselves into the race is just one example of a greater problem that continues to bedevil the left: its difficulty battling opponents outside the formal confines of campaigns. This is nothing new. Ever since the rise of the conservative counter-establishment out of the ashes of Barry Goldwater's failed candidacy, the right has had at its disposal a constellation of think tanks and media organs to supplement campaigns—a constellation the left lacked. But this presidential campaign was supposed to be different: Liberals had set out to duplicate the right's counter-establishment. In the past two years, they founded a Heritage Foundation–like think tank, the Center for American Progress, that would come up with liberal policy ideas and make sure people articulating those ideas got on television and radio. They started two liberal talk-radio efforts, Air America and Democracy Radio, and a slew of liberal blogs. And they took advantage of a loophole in campaign finance reform law to create or bolster independent political groups—including MoveOn and the Media Fund—that would run advertisements attacking Bush. Although these groups would all be technically independent of the Democratic candidate's campaign, they would nonetheless work with him to take back the White House. "Hillary Clinton talked about the vast right-wing conspiracy," one prominent Democrat said last year. "Well, this is going to be the vast left-wing conspiracy."

All of these groups had different goals and methods. Assessed individually, many can plausibly argue that they achieved them. Taken together, however, these independent efforts were supposed to amount to something more: the kind of megaphone that can force issues into the public sphere. But, as this presidential race has shown, that megaphone is still mostly silent.

ONE REASON THE liberal effort didn't gel in this campaign is obvious: It's still in its infancy. "It took the other side thirty years to build up their incredible machinery of ideas and communications," says John Podesta, who heads the Center for American Progress. "It wasn't until President Bush concentrated

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everyone's attention that we really got serious about building a counterpart." As with any new venture, it takes time to build an infrastructure, and liberals still lack pieces like a network of like-minded media outlets.

To understand how such an echo chamber works, it's instructive to look at SBVT. The vets, a previously unknown group, were able to leverage a $500,000 ad buy in three states into a race-shifting national story.

The right-wing echo chamber—most significantly, Fox News Channel, conservative talk radio, and the *Drudge Report*—played a crucial role. Working with the conservative political consulting firm Creative Response Concepts, the swift boat vets made sure their allegations received heavy airing in the conservative media. In late July, prepublication excerpts from SBVT Co-Founder John O'Neill's book about Kerry, *Unfit for Command*, ran exclusively on the *Drudge Report* and in *Human Events*, a conservative magazine that shares an owner with the book's publisher, Regnery. In early August, the day before the vets unveiled their first ad, the group gave a sneak peak to Sean Hannity, who aired it on Fox News Channel. The swift boat vets also briefed conservative talking heads, including Bill Kristol, Fred Barnes, Rich Lowry, and Tony Blankley, so they would be prepared to spread the gospel on chat shows.

By the time the ad made its debut, the conservative media was primed, and the group's allegations against Kerry spread like wildfire through it. *The New York Post* and *The Washington Times* gave the charges prominent play ("MEDAL MUDDLE—VETS SAY KERRY WAS A FRAUD," read the *Post*). Conservative talk-radio hosts did more than 500 interviews with SBVT. And Fox—whether it was Hannity or Brit Hume or Bill O'Reilly—kept up a steady drumbeat about the story. Thanks to the conservative echo chamber, the SBVT charges didn't disappear, and eventually the mainstream media—much of which was initially reluctant to cover the group's charges—could no longer ignore them. First, CNN and MSNBC went with the story. Then, the network news broadcasts and *The New York Times* followed suit with intense coverage. "It got to the point where the volume around the story was so loud," explains Creative Response Concepts President Greg Mueller, "in the way it was being echoed through *Drudge*, and talk radio, and *The New York Post*, and *The Washington Times*, and Fox News, and then CNN and MSNBC, that *The New York Times* and everybody had to start doing stories."

It was precisely this sort of echo chamber the Jersey Girls lacked. As the mainstream media initially ignored the SBVT attack against Kerry, it also initially ignored the Jersey Girls' endorsement of Kerry; it was just one of the countless campaign events that inevitably get lost in the shuffle. But, unlike the vets, the Jersey Girls couldn't force the mainstream media to eventually pay attention. There was no 24-hour cable network to recycle their accusations; no ideologically simpatico newspapers to run headlines like "BUSH KILLED MY HUSBAND—9/11 WIDOW CHARGES"; and the liberal talk-radio shows on which the women appeared don't yet reach many listeners. Not even the fact that the Kerry campaign openly embraced the Jersey Girls—something the Bush campaign never did for the swift boat vets—could keep their story alive.

And it isn't just the Jersey Girls who have been hamstrung. A liberal political action committee called RealVoices.org cut TV advertisements of family members of soldiers killed in Iraq speaking directly to President Bush. Its first ad, which was unveiled at a press conference in Washington in late September, featured Cindy Sheehan, a 47-year-old former youth minister whose son Casey, an Army mechanic, was killed in Iraq. "I imagined it would hurt if one of my kids was killed, but I never thought it would hurt this bad," a crying Sheehan says in the ad. "When you haven't been honest with us, when you and your advisers rushed us into this war. How do you think we felt when we heard the Senate report that said there was no link between Iraq and 9/11?" But, although the audio of Sheehan's ad received heavy (free) play on Air America, and MoveOn paid to have it aired on television in several battleground states, Sheehan has been unable to generate much positive free media. "I'm disappointed with the coverage we've gotten so far. I thought that the coverage didn't begin to capture the importance of the story," says RealVoices.org's founder, Deane Little.

"The disadvantage is in how you deliver your message," says Brock. "Rush [Limbaugh] reads their material on the air regularly. That's fifteen million people hearing that. I do go on Al Franken's show [on Air America] for half an hour every Wednesday, and [the nationally syndicated liberal talk-radio host] Ed Schultz's show for an hour every other Friday, but the reach isn't the same."

Even Michael Moore has suffered for the lack of a left-wing echo chamber. While *Fahrenheit 9/11* received plenty of media attention, liberal columnists and talking heads were just as likely to attack Moore's movie for bending the truth as they were to celebrate it. "When the swift boat ads came out, the right-wing and conservative columnists all jumped on the bandwagon and wrote from the same talking points. When *Fahrenheit 9/11* came along, you had various liberal op-ed writers who felt they needed to be objective," says Democratic strategist Chris Lehane, who consulted for Moore. "Our side tends to hold intellectual honesty up as an important factor."

BUT, EVEN IF liberals had an echo chamber, the efforts at a left-wing conspiracy would have had other problems. As this presidential race has amply demonstrated, for independent efforts to work, they need help from the campaign.

Although laws prohibit direct coordination between campaigns and most independent groups, explicit coordination wasn't necessary for conservative groups to bolster the Bush campaign's message. "The Republicans stepped back and decided to paint John Kerry as a flip-flopper," says one Democratic strategist. "Every single day, they got up with a

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plan to do that. When Bush himself and the Bush campaign every single day says that John Kerry is a flip-flopper, it doesn't take a great deal of expertise to realize that's the message and to craft your ads accordingly." The strategist continues, "There's been nothing like that from the Democratic side and the Kerry campaign. No one woke up in the spring and said, 'This campaign's going to be about X; every single day we're going to talk about George Bush and X.'"

Another Democratic strategist who worked on independent efforts has the same complaint. "The natural and correct inclination of outside independent groups is to follow the lead of the campaign. ... And that's been virtually impossible. I think everybody involved in outside groups has been involved in meetings and conference calls in which people just threw up their hands and screamed about the lack of an identifiable coherent message from the Kerry campaign."

Indeed, the most notable thing about the left's independent political efforts is how muddled they've been. Unlike conservatives, who recognized the negative frame Bush sought to hang around Kerry and repeated that message, liberal groups have tried numerous different approaches. MoveOn ran hysterical attacks that branded Bush as a liar and a menace; the Media Fund, meanwhile, ran ads that were more straightforward attacks on Bush for sending jobs overseas. But, in recent weeks, the Media Fund began running ads that hit Bush for his ties to the Saudi royal family. "That particular line of argumentation became a lot more natural and appealing because the campaign has almost entirely shifted to foreign and military policy," says the Media Fund's Jim Jordan. Of course, the Media Fund probably thought of that months ago but couldn't run the ads because the Kerry campaign was studiously avoiding foreign policy at the time.

And the Kerry campaign's incoherence—and reluctance, until recently, to bash Bush's character—also had a chilling effect on independent efforts. Not long after the swift boat ads came out, one Democratic strategist tried to organize an independent 527 around the Jersey Girls. The strategist envisioned an ad in which the widows would ask Bush why he has yet to capture Osama bin Laden. But, when the strategist went to donors to raise money for the spots, he discovered few had the stomach. "If you're a Bush supporter and you're giving millions to the swift boat vets, you know no one in the Republican Party is going to be mad at you," says the strategist. "But, if you're a Democrat and you have a party and a nominee complaining all the time about these negative attacks, you might not want to be associated with negative attacks, even if they're against the other guy." The group was never formed, and the ad was never produced.

KERRY'S IMPROVED PERFORMANCE since the first debate has soothed some liberals' nerves, and many are already taking a philosophical approach to assessing this campaign—whatever its outcome. "It's young," Brock says of the left's attempts to duplicate the right's machinery of communications and ideas. "I don't think people can expect some of these extremely young institutions and efforts are going to be having the full impact of their potential in the matter of just a few months." Like a number of liberals, he believes that, as these institutions grow and the left gets more accustomed to how these independent efforts work, the vast left-wing conspiracy, so to speak, will come together. Groups like the Center for American Progress and MoveOn will become more sophisticated; liberal talk radio will grow. Indeed, some Democrats even whisper that a Bush victory could be the best thing to happen to the liberal echo chamber, since it would energize the left.

But other liberals are less sanguine. They say that improvements in infrastructure will mean nothing unless the left gets more comfortable making negative attacks and smarter about how it makes them. "If you look at a lot of the stuff that circulates on the left-wing blogs and with MoveOn about how Bush is a liar, it doesn't move anybody," says one liberal strategist. "Conservatives are very good about slowing down and thinking about not what will make them feel good to say, but what charge will be most credible with voters."

Either way, there does seem to be one surefire way to measure whether the vast left-wing conspiracy has come together. "If we're sitting here four years from now and talking about why we don't have our own swift boat ad," says the strategist, "then we'll know we still haven't figured it out." ■

How the election affects the Court.

Supreme Mistake

BY JEFFREY ROSEN

WHETHER OR NOT the Supreme Court decides the presidential election, the election will decide the future of the Supreme Court. And the first vacancy, which could come sooner rather than later, as Chief Justice William Rehnquist's surgery last week reminds us, is likely to provoke a partisan explosion that will make the battle over Robert Bork look like child's play. As Election Day approaches, liberal and conservative interest groups are trying to rally their bases with the same alarmist slogans they

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have been using for the past 30 years. If George W. Bush wins, "a 'perfect storm' of likely Supreme Court vacancies and potential cases heading toward the High Court could well lead to the overturning of *Roe* v. *Wade*," warns NARAL Pro-Choice America. If John Kerry wins, "Catholics should be aware that a Kerry-appointed U.S. Supreme Court could threaten the core values of their faith," counters George Marlin, author of *The American Catholic Voter*.

In fact, what is at stake in the election is not the future of *Roe* v. *Wade*, school prayer, or any of the culture-war issues that have inflamed the country since the 1970s. The left may be hesitant to acknowledge it, but the Rehnquist Court has largely sided with liberals rather than conservatives in these cultural battles. It has done so because liberals have won in the court of public opinion. And the chance of either Bush or Kerry getting through the Senate justices who want to revisit those well-settled precedents is low.

Instead, the election will determine the future of the Supreme Court in unexpected areas that remain, for the moment, less visible than abortion, but no less important. If Bush wins, his aides seem determined to select justices who would resurrect what they call "the Constitution in Exile," reimposing meaningful limits on federal power that could strike at the core of the regulatory state for the first time since the New Deal. These justices could change the shape of laws governing the environment, workplace health and safety, anti-discrimination, and civil rights, making it difficult for the federal government to address problems for which the public demands a national response. And, if Kerry wins, the justices he appoints are more likely to turn to international law to define the meaning of U.S. constitutional guarantees, such as due process, cruel and unusual punishment, and equal protection. If taken too far, the new internationalism could ignite an entirely new culture war for the twenty-first century. In other words, there are dangers for the Court regardless of who wins the election, just not the ones that both sides are predicting.

IN EVERY ELECTION since 1980, *Roe* v. *Wade* has dominated questions about the Supreme Court. But, on the Court today, there are six justices who support the core of *Roe* (Justice Anthony Kennedy dissented from the Court's 5–4 decision in 2000 to strike down bans on late-term abortions but still supports the right to earlier-term abortions). And, in order for *Roe* to be overturned, two of these justices would have to retire and be replaced by committed opponents. Even in the unlikely event that two such justices could be confirmed, the public overwhelmingly supports protections for early-term abortions. And conventional wisdom among political scientists, beginning with Robert Dahl in the 1950s and continuing until today, is that the Court does indeed follow the election returns and rarely challenges deeply felt currents in public opinion. This is why the Court, under the leadership of the swing justices, Sandra Day O'Connor and Kennedy, has extended the most popular liberal activist decisions of the Warren era while also endorsing conservative judicial activism as public support for the welfare state wanes.

The Bush White House is well aware of this, which is part of the reason overturning *Roe* is no longer at the top of the GOP agenda. Bush administration officials who have participated in conversations about judicial nominations during the past four years say that overruling *Roe* v. *Wade* no longer comes up as a priority in discussions about candidates. This de-emphasis of *Roe* also reflects the widespread understanding that Senate Democrats would filibuster any openly anti-*Roe* candidates, making it politically impossible, under the current ground rules, for Bush to get them confirmed.

Of course, if Bush is reelected and the Senate remains Republican, it is conceivable that GOP lawmakers might try to change the Senate rules so that filibusters could be ended by a simple majority of 51 votes, rather than the 60 votes currently required. For the past year, Senate Republicans, frustrated with Democratic filibusters of controversial Bush nominees, have discussed this so-called "nuclear option." The rules could be changed either through a formal vote of the Rules Committee, which would also require 67 votes in the full Senate, or by a parliamentary maneuver involving a ruling from the vice president, sitting as head of the Senate, which would only require a simple majority. But, while some conservatives might support this tactic to push through a hard-right Supreme Court nominee, moderate Republicans like John McCain have opposed it on the grounds that it would make the Senate more like the House. And Democrats could retaliate by going nuclear themselves, demanding roll-call votes for every minute procedural issue and bringing the Senate to a halt. Since neither party has a strong political incentive to see *Roe* overturned (agitation for doing so comes from interest groups on the extreme right, not from the Bush White House, which understands that overturning *Roe* would lead women to defect from the GOP en masse), it's hard to imagine that the desire to confirm anti-*Roe* judges would lead a majority of Senate Republicans to cut their own throats.

INSTEAD OF REVISITING *Roe* v. *Wade*, a second Bush administration is more likely to focus on judges who will restore the Constitution in Exile. The phrase comes from a 1995 article by Douglas Ginsburg, a federal appeals court judge in Washington, D.C., whom Ronald Reagan unsuccessfully nominated to the Supreme Court after the Senate rejected Bork. Condemning American judges for being too deferential to the regulatory state, he announced, "For sixty years the nondelegation doctrine has existed only as part of the Constitution in Exile," along with other "ancient exiles" repudiated after the New Deal.

The legal doctrines to which Ginsburg referred were largely abandoned in the 1930s to allow the federal government broad discretion to regulate health, safety, the environment, and the workplace. The most important of the post–New Deal doctrines was an expansive interpretation

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THE POWER OF PERCEPTION: PUBLIC CONFIDENCE AND HOMELAND SECURITY

The level of public confidence about a government organization has a direct impact on that organization's ability to meet its objectives. Those organizations lacking credibility with the public can find themselves with limited authority, thus experiencing operational difficulties. Government at all levels must learn to factor public confidence management into its preparedness planning.

THE AUTHOR

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Governments around the globe are endeavoring to keep their citizens safe from terrorism. In the United States, one important factor has been left out of the equation: No one has asked the American people what level of security they really want. The answers to this question are essential to ensuring the government's security measures have a positive impact on the level of confidence the public has in their security. And this level of confidence has an enormous impact on the ability of the government to keep its citizens safe, as shown by numerous studies of late on citizenry response behaviors. Put simply, the government can't keep its citizens safe if it hasn't gained the confidence of its citizens.

In September The Center for the Advancement of Collaborative Strategies in Health published a study titled, "Redefining Readiness: Terrorism Planning Through the Eyes of the Public." In it, the center reported on a nationwide survey it conducted concerning the public's reaction to hypothetical smallpox and dirty bomb situations. The study found that in these situations, not enough people would follow protective instructions. In a smallpox outbreak, only 40 percent would go to a vaccination site, and following a dirty bomb incident only 60 percent would seek shelter and stay put for as long as they are told.

Among the reasons researchers found for that lack of cooperation was that many people would be worried about what government officials would say or do. Trust in official instructions is important because those who don't have much trust are only half as likely to cooperate in these two situations, as are those who do.

"GOVERNMENT ORGANIZATIONS LACKING CREDIBILITY WITH THE PUBLIC CAN FIND THEMSELVES WITH LIMITED AUTHORITY, WHICH CAN QUICKLY LEAD TO OPERATIONAL DIFFICULTIES."

Also consider a survey of New Yorkers, conducted in August 2003 by the Columbia University Mailman School of Public Health, who were asked what they would do if their mayor urged them to flee the city immediately because of a terrorist danger. An overwhelming majority (90 percent) would refuse unless they knew the status of their school-aged children. The Mailman School conducted a follow-up survey a year later, which showed that the respondents — both in New York and nationally — would still follow the same behavioral patterns. Thus, planners could waste millions of planning dollars if their contingencies fail to factor in the public's need to understand their children's safety and involve school districts in planning.

The results of studies like these are critically important for the government agencies entrusted with emergency response for homeland security. How the public perceives these organizations — the level of public confidence — has a direct impact on the ability to meet their objectives. Government organizations lacking credibility with the public can find themselves with limited authority, which can quickly lead to operational difficulties.

For example, public acceptance of government information was cited by researchers at the University of Illinois at Urbana-Champaign and Wageningen University in the Netherlands as the biggest factor in explaining the differences found in consumer reactions to mad cow disease in two European countries. In Germany, 58 percent of consumers reported reducing their beef consumption because of the scare, while in Holland only 23 percent did, despite the fact that individual perceptions of the risk were similar in the two countries. The difference was that, in general, Dutch citizens have a higher level of confidence in the ability of their government to provide accurate information.

Gaining credibility and knowing what people want are critical issues for agencies such as the U.S. Department of Homeland Security as it enters its third year of exis-

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tence. The department combines 22 disparate federal agencies with annual budgets exceeding $30 billion. Its more than 170,000 personnel are pursuing an enormously complicated mission against a changing and determined terrorist threat. The department has leveraged the skills and innovation of companies in the private sector, including technology and professional consulting firms.

But simply adding infrastructure isn't enough. The department must ensure that its vast array of technical resources is used to enhance people's trust in the government agencies charged with their security. If the public's confidence in government declines, the results are clear and immediate: less travel, reduced commerce and increased anxiety.

But how does a government agency focusing on homeland security go about enhancing its public image? In order to be effective, homeland security institutions must monitor their credibility. These organizations must understand what the public expects from them, what factors influence public confidence and, most importantly, how the level of public confidence impacts the outcome of operational strategies.

The U.S. Transportation Security Administration has already started incorporating information about public opinion into its operations. Recognizing that customer satisfaction and confidence are central to its mission, the TSA looked to BearingPoint's experienced and industry-focused homeland security team to help its leadership better understand what factors drive satisfaction and confidence with airline passenger screening. This analysis revealed that, contrary to popular opinion, the level of attentiveness and thoroughness exhibited by screeners is more important to the average traveler than the amount of time spent waiting. Representatives of the traveling public indicated a willingness to wait longer if it would increase screening thoroughness and security effectiveness.

The research also reinforced specific actions TSA had taken and encouraged further standardizing of certain practices in order to align its operations with public confidence. Standard uniforms worn by screeners, as well as their professional conduct and demeanor, were noted as positive changes since the federalization of airport security screening. Standardizing protocols between airports was identified as a key element for TSA to deliver its mission in a manner, which would positively impact travelers and enhance their confidence.

CREATING A PUBLIC CONFIDENCE MANAGEMENT PROGRAM

Public confidence management in homeland security is paramount. It involves:

- Developing an analytical framework to understand the drivers of public confidence;

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- Measuring what the public wants and its current level of confidence;
- Identifying which drivers can be controlled;
- Designing and implementing strategies to align public confidence with mission achievement; and
- Measuring performance.

For example, the Homeland Security Department should develop an index of public confidence in homeland security, much like the consumer confidence index. This numerical indicator should have an initial value derived from survey results and analysis of stakeholder input from events such as focus groups and town-hall meetings. The next step would be to identify which factors push that index in a positive or negative direction.

Knowing what the public wants will have a direct and desirable impact on any agency's programs and requirements from industry. The ideal approach should be one that combines spending to ensure physical security with the collection of information that can help people make decisions about how to protect themselves. This will require unprecedented cooperation from very different segments of the industrial base.

As governments throughout the world continue to develop and redefine their approaches to homeland security, they are going to be increasingly surprised about what is vulnerable, and it's not just the information systems. Simply adding layers of defense will be insufficient. Governments must know what their people really want and must gain their confidence.

To learn more about BearingPoint's homeland security practice, go to:
www.bearingpoint.com/homelandsecurity

ABOUT THE AUTHOR

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of Congress's power to regulate interstate commerce, which the Court extended to include any activities that might affect commerce indirectly. In 1995, however, the Supreme Court began taking tentative steps toward resurrecting some of the constitutional limitations on the regulatory state that had been dormant since the '30s. In controversial 5–4 rulings, the Court limited Congress's power to ban guns in schools, for example, and to punish violence against women, holding that the laws did not involve commercial activities and therefore couldn't be justified by Congress's authority to regulate interstate commerce.

These decisions have been appropriately criticized as activist and contemptuous of Congress by liberal supporters of the regulatory state. A provocative new book by Thomas Keck accurately calls this *The Most Activist Supreme Court in History* because it has struck down 33 federal laws since 1995, the highest annual average ever. Nevertheless, the Rehnquist Court's so-called federalism revolution has not yet delivered what the conservatives hoped. Every time the conservative justices have appeared on the brink of striking down a federal statute with real political support, such as the Environmental Protection Act, O'Connor or Kennedy have written hedging opinions reassuring moderates that the Court intends to challenge congressional power only at the margins. But, if O'Connor or another liberal justice were to retire, and if Bush nominated a true believer in the Constitution in Exile, the federalism revolution would go into overdrive. And Democrats might not be able to block the appointment because, unlike abortion, federalism is not, at the moment, an issue the public understands or cares much about.

If Bush is reelected, the president's advisers are determined to choose justices who will be strict constructionists in the mold of Justices Clarence Thomas and Antonin Scalia. White House officials told me that even a respected judicial conservative like J. Harvie Wilkinson III, who has urged moderation in federalism cases, has been criticized by some presidential advisers as a "squish" for his refusal to carry the Constitution in Exile to its logical conclusion. Instead, these advisers might recommend someone more like Judge J. Michael Luttig, who tangled with Wilkinson in a recent case involving the constitutionality of environmental protections for red wolves. (Wilkinson said Congress could protect the wolves to promote tourism because tourism affects commerce; Luttig found the connection between tourism and commerce too remote.)

Although both Wilkinson and Luttig are intellectually serious and thoughtful candidates, both would be resisted by Senate Democrats because their records are well-known. Therefore, Bush might try a stealth candidate who has a shorter paper trail. Indeed, the White House already has a list of stealth candidates along these lines, many of whom are federal appellate judges appointed during Bush's first term. These candidates include people like Steven Colloton of Iowa, Jeffrey Sutton of Ohio, and Edith Brown Clement of Louisiana, whom the Senate unanimously confirmed in 2001.

How would a stealth candidate like Clement perform on the Supreme Court? Everything about her record suggests she would enthusiastically support the federalism revolution. This year, for example, a group of Texas developers challenged the constitutionality of the Endangered Species Act after the U.S. Fish and Wildlife Service, in an effort to protect a rare species of underground bugs, denied them a permit to develop a shopping mall. The Texas appellate court rejected the challenge, but Clement joined a blistering dissent by Judge Edith Jones (another possible Bush Supreme Court nominee) criticizing the panel for crafting "a constitutionally limitless theory of federal protection."

Taken to its logical limits, the Constitution in Exile would call into question not only environmental protections but workplace regulations like the Occupational Safety and Health Act. Furthermore, in the hands of a determined Bush majority on the Supreme Court, Congress's power to ban discrimination might be challenged as well. In a series of cases, the Supreme Court has limited Congress's power to authorize private individuals to sue states for discrimination or other violations of federal law. So far, the effect of these decisions has been muted by the fact that Congress still has the power to refuse to fund state programs unless the states promise in advance not to discriminate.

But some partisans of the Constitution in Exile on the lower courts are already questioning that power. In an important case this year, a panel of the federal appeals court in Washington, D.C., upheld a suit against the suburban Metro public transportation system by an employee who claims he was fired because he suffered from bipolar disorder. Congress had the power, the judges held, to condition the receipt of federal transportation funds on Metro's willingness to waive its immunity from lawsuits. In an unsettling dissent, however, Judge David Sentelle, a supporter of the Constitution in Exile, disagreed that Congress had the power to "expose the states to liability" for discrimination suits, because he thought there was only a remote connection between the purpose of the federal grant (supporting transportation) and the conditions of its receipt (preventing discrimination). This radical logic, if embraced and extended by a Bush-appointed Supreme Court, would represent a declaration of war on Congress, preventing the legislature from prohibiting race and sex discrimination in programs that receive federal funds and calling into question Title VI of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

As long as Congress remains Republican, it's conceivable a Bush Supreme Court could get away with attempting to impose restrictions on congressional power that have been unthinkable since the '30s. But, eventually, the Constitution in Exile might be invoked to strike down federal laws that the current Congress cares intensely about—such as federal criminal laws whose connection to interstate commerce is sometimes hard to discern. At some point, if the Court turns sharply right on federalism issues, it's not hard to imagine a conflict between Congress and the Court

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more dramatic than anything we've seen since the Warren era. In short, the greatest danger from a Bush Court is not the overruling of *Roe* v. *Wade* but the overruling of the post–New Deal regulatory state.

WHAT ABOUT A Kerry Court? Throughout his campaign and Senate career, Kerry has not indicated much interest in using the courts as an engine of social change. And, even if he wanted to do so, he is likely to face a Republican Senate that would make it hard to appoint liberal activists in the style of William Brennan. It seems a fair bet, therefore, that Kerry would appoint judges like the Clinton appointees, Stephen Breyer and Ruth Bader Ginsburg, who believe the Court should reflect changes in social attitudes rather than unilaterally impose them in the face of popular resistance. In addition to political pressure to appoint the first Latino justice, which Bush would face as well, Kerry might look to Clinton appointees like David Tatel and Merrick Garland on the U.S. Court of Appeals for the Washington, D.C. Circuit, both scrupulous, intelligent, and fair-minded moderates.

Over the long term, it's true that Kerry justices would be more likely than Bush justices to recognize a constitutional right to gay marriage, for example. But, on the current Court, both the liberal and moderate conservative justices understand the dangers of a public backlash and are therefore unlikely to impose gay marriage on the nation anytime soon. And, while Kerry justices would take a more expansive view of *Roe* than Bush justices—continuing to strike down bans on partial-birth abortions, rather than reversing course and upholding the congressional ban—these are issues at the margins of our sexual politics that only constitute a tiny fraction of the total abortions performed.

But there is one area where Kerry justices could diverge dramatically from Bush justices: the relevance of international law. On the Rehnquist Court, Breyer and Ginsburg have enthusiastically endorsed looking to international laws and judicial opinions to determine the meaning of the U.S. Constitution. Last month, during arguments about the constitutionality of allowing 16-year-olds to be executed, both Breyer and Ginsburg emphasized that the 110 countries that allow capital punishment have renounced the execution of juvenile offenders. This prompted Scalia to interject with annoyance, "So what did John Adams think of the French?"

The willingness of liberal justices to consult international norms in constitutional cases has become a rallying cry for social conservatives: Bork's most recent book is called *Coercing Virtue: The Worldwide Rule of Judges.* But, although Bork's book is a slapdash polemic, other, more thoughtful conservative scholars, such as Jack Goldsmith of Harvard Law School, have argued persuasively that too much attention to international law could thwart U.S. constitutional traditions and reignite a domestic culture war. There are, after all, dramatic legal and cultural differences between European and American views about free expression, privacy, and due process. This means that, if judges become too willing to look to Europe, they may impose values on U.S. legislatures that the American public will be moved to resist. Moreover, there is nothing inherently progressive about European views on these contested issues: If U.S. courts looked to Europe in abortion cases, for example, they would allow more restrictions than Americans now tolerate.

Breyer and Ginsburg have been appropriately cautious in invoking international norms, citing them only as additional evidence of a consensus in cases where a clear majority of states have also rejected a controversial practice, such as sodomy laws or the juvenile death penalty. But it's possible that younger justices of a more internationalist bent might be more aggressive about invoking a purported international consensus to strike down practices that a majority of the American public continues to support—such as the death penalty for adults. For example, Dean Harold Koh of Yale Law School, mentioned as a possible Kerry Supreme Court nominee, has supported the idea that U.S. courts should expansively apply international legal precedents without the authorization of the president and Congress. And some justices have begun to invoke international law in areas where there is intense social disagreement, such as affirmative action. If anything could reignite the culture wars, it would be a decision by the U.S. Supreme Court to thwart deeply felt currents in American public opinion in the name of the international community. Given Kerry's emphasis on international opinion in his campaign, there's no reason to expect him to be attuned to this danger.

CONCERNS ABOUT THE Supreme Court never determine presidential elections, but particular elections can indeed redefine the Court. After his landslide reelection in 1936, Franklin Delano Roosevelt made five nominations in the next four years; Nixon, elected in a squeaker in 1968, made three in similarly short order. The Republicans have a more aggressive agenda for reshaping the Court than the Democrats, and Bush has made his constitutional vision clear. It has little to do with overturning *Roe* v. *Wade,* but it has everything to do with resurrecting limits on federal power that might tie Congress's hands in domestic affairs as well as in the war on terrorism. Although Bush has aggressively expanded the size of the national security state since September 11, he has committed himself to a judicial vision that could render some of his own programs—including federal criminal laws he supports—unconstitutional. Kerry would feel less immediate pressure to use the courts as engines of social change because liberals won the old culture war; but, if the justices he appoints are too expansive in their concern about international opinion, they might inadvertently ignite a new culture war. In short, neither Bush nor Kerry justices are likely to be consistent defenders of judicial restraint. But at least voters in this election have a clear choice: conservative judicial activism or liberal judicial activism. Take your pick. ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Some London Lives

W. SOMERSET MAUGHAM. Not so long ago it was a glistening name in the publishing and reading world. Now it needs a bit of background. Born in 1874, Maugham trained as a physician in London, then abandoned medicine for writing, which thereafter he seemed never to stop doing. Novels, stories, plays cascaded from him right until the end of his life in 1965. Two of his novels, *Of Human Bondage* and *The Moon and Sixpence*, teeter on the edge of greatness, but none of his books was a publishing failure. His short stories, once adored by the public, are still respected for their craft. And his plays? In 1908 he had four plays running in London's West End. Yet Maugham was never lifted by serious critics to any considerable height. The best word about him was spoken by W. H. Auden when he reviewed one of Maugham's last books. Auden appraised without sentiment or snobbishness, and he concluded (as I recall) by addressing Maugham: "Thank you for never having bored us."

BEING JULIA
(Sony Pictures Classics)

VERA DRAKE
(Fine Line)

He is still not boring us. His novel *Theatre*, published in 1937, has been made into a film called **BEING JULIA**, and the people who made it have had the sense not to modernize it. It is *echt* Maugham, in its somehow flattering cynicism, its character crinkles, its perceptions that sting even though they don't go very deep. Ronald Harwood, who wrote *The Dresser*, has adapted the novel like a designer fashioning a period costume. István Szabó, the Hungarian director who made *Mephisto* and *Colonel Redl* and *Sunshine*, has handled the picture with his usual conventional finesse. The cast treats the script like ravenous actors famished for a good old-fashioned feed.

The central character, Julia Lambert, is a London theater star aged forty-five, who is playing in a hit and, as is de rigueur in fiction, is Getting Tired of It All. Her husband, Michael Gosselyn, who is also her producer-director, is apparently more friend than husband but is certainly a good friend. Others cluster around her: a rich backer, a devoted lord, and a dresser-maid who knows Julia too well to be upset by her swift changes of mood. Michael introduces a young American man to Julia. The American has theater ambitions and soon has another ambition—toward Julia. She is in just the right state to respond.

Basically the story is a lightweight reminder of Hugo von Hofmannsthal's libretto for *Der Rosenkavalier*. A mature married woman falls in love with a young man, is blissfully happy, then sees her lover move toward a woman of his age. The mature woman is upset but eventually understands. The film's difference from the opera is that the young woman here is an actress, so the older actress can exact a kind of revenge.

Nothing of the film is very stirring except for the pleasure of watching it happen, a pleasure that is heightened by the performance of Annette Bening as Julia. Why the producers chose an American for the role—a superb English actress, Juliet Stevenson, plays her dresser—is a mystery, or would be if it had not turned out so well. Bening sparkles and commands. Her English accent is secure, her understanding of theater temperament cattily precise. (Bening was trained for the stage and has been successful in the theater.) She understands that Julia has transformed her life into a role, and, while her feelings at any moment are more or less genuine, she must maintain her offstage character. Bening is delightful.

Jeremy Irons, who has been absent for a while, plays Michael, smoking a pipe sagaciously and helping to create the atmosphere that Julia needs. Michael Gambon, that old rascal who happens to be a wonderful actor, plays Julia's first director when she was beginning. Though the old lion has presumably died, he reappears to Julia from time to time like King Hamlet's ghost to caution or commend his protégée. Bruce Greenwood provides a reticent but solid performance as the lord who loves Julia but, for his own reasons, keeps it platonic. The least affecting performance is given by Shaun Evans as the young American. It isn't so much bad acting as poor casting; he doesn't seem the right person to ignite Julia.

One other cavil. The lines we hear from the two plays that Julia appears in during the story sound like the plays that films used to invent back in the days when Hollywood was trying to deride the theater. Those lines jar the texture of a generally comfy film.

The English director Mike Leigh has spent most of his life making films about the short and simple annals of the London working class, and he has done them with an anger transmuted into art, as in *Naked* and *Secrets & Lies*. Now there is **VERA DRAKE**, done with Leigh's customary skill in giving the environment great weight in a story. A Leigh picture isn't merely set in the homes of the poor: those homes are inseparable from the very beings of the characters.

The new film takes place in 1950, for the most part in those regions of London that are Leigh country. Vera Drake is a middle-aged woman, a housemaid in an upper-class home. She lives with her auto-mechanic husband and their two grown children in an apartment so small that we feel cramped as we watch. Vera has another occupation. After her day's work, she scurries from one working-class home to another, performing abortions—either on unmarried women or on wives already burdened with large families. Vera uses a syringe and a very soapy solution of water, does the job, and leaves the patient with usually correct predictions of the result. What Vera is doing is of course illegal. An accident

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with one of the women eventually brings the police to Vera, followed by a trial and a jail sentence.

Leigh's point is that the law stopped Vera from helping poor women who couldn't afford professional care. They were risking shame or worsened poverty, and the state cruelly interfered with her ministrations. My own reaction was not what Leigh intended. I felt that she should have been stopped a good deal sooner. Most of her patients seemed to have come through all right, but there was always a strong chance that they wouldn't, and some of them didn't. The pregnant women's worry is clear enough, but possible death is not a remedy that evokes sympathy. Anyway, the English law on abortion has somewhat changed, which makes this a historical picture.

Besides, Leigh's screenplay rather mawkishly loads the story in Vera's favor. She is an unflagging angel of mercy: when she isn't aborting the pregnant, she is helping the sick and the aged, providing a cuppa and a cheery word. She doesn't get a penny for her operations. Another woman arranges the appointments and takes a fee: Vera doesn't even know about the money. To underscore the injustice in her punishment, Leigh shows us a young woman in the posh house where Vera works, who becomes pregnant and gets high-priced hospital help. Unlike other Leigh films, this one insists on informing us that the rich are better off than the poor.

But Leigh's directing is lean and tight. In Imelda Staunton as Vera, he has an actress who can make her only two emotions interesting. Either Vera is chirping happily as she helps others or she is weeping after she is arrested. Staunton does them both affectingly enough. ■

Christopher Benfey

The Ding-Dong of Doom

ONE MATCHLESS TIME:
A LIFE OF WILLIAM FAULKNER
By Jay Parini
(HarperCollins, 492 pp., $29.95)

POSTAGE STAMPS, THOSE quaint and colorful vestiges of a vanishing twentieth-century mode of communication, figure conspicuously in the strange career of William Faulkner. If a whaling ship, as Herman Melville famously claimed, was Melville's Yale College and his Harvard, Faulkner's Ivy League was the tiny post office at the University of Mississippi, in his hometown of Oxford, population 2,250 in 1921, the year Faulkner was named university postmaster. There, in a job he cynically treated as a sinecure for a man of leisure, Faulkner sat for days at a time reading issues, borrowed from faculty mailboxes and haphazardly returned, of *The Atlantic Monthly*, *The Dial*, and THE NEW REPUBLIC—"a vast hoard of material," as Jay Parini remarks in his sturdy and well-researched new biography of Faulkner, "where he would have found much of the best in contemporary writing and thinking."

A high school dropout whose foppish and idle ways about town earned him the nickname "Count No 'Count," Faulkner held the post office job for nearly three years—steeping himself in Swinburne, Mencken, and the French Symbolist poets—before being fired, in the fall of 1924, when he was nearly twenty-six. The letter of dismissal—perhaps a forgery, as Parini notes, perpetrated by Faulkner—was curt and to the point: "Neglects official duties; indifferent to interests of patrons; mistreatment of mail." Faulkner made it sound as though the decision was his own: "I reckon I'll be at the beck and call of folks with money all my life, but thank God I won't ever again have to be at the beck and call of every son-of-a-bitch who's got two cents to buy a stamp."

Faulkner later tried to minimize his reliance on all that he had learned during those years at the post office at Ole Miss, insisting instead that his truly formative

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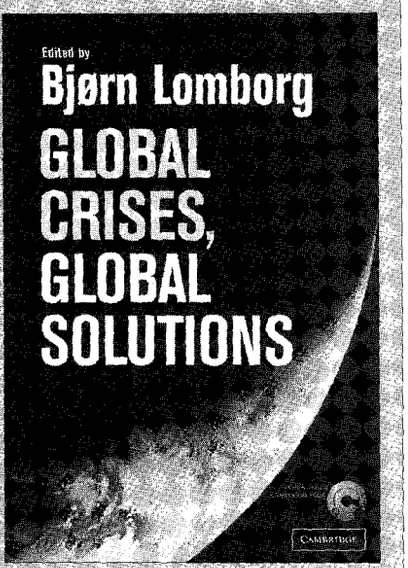

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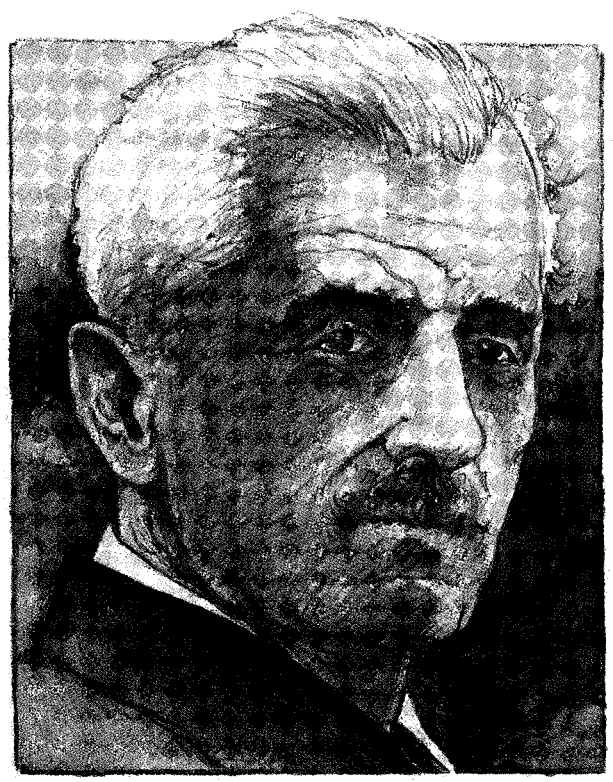
education was intensely local, a matter of conversations overheard rather than magazines read. According to his own myth of himself as a backwoods Balzac—a myth aided and abetted by a generation of southern critics and northern biographers—Faulkner had summoned his vision from his "little postage stamp of native soil" in Mississippi. This claim, too, was a forgery, of course, though Parini firmly subscribes to it. "A sense of place was everything to William Faulkner," he writes, "and more than any other American novelist in the twentieth century, he understood how to mine the details of place, including its human history, for literary effects. His novels, from the outset, are obsessed with what T. S. Eliot once referred to as 'significant soil.'" Parini repeatedly compares Faulkner to the Greek mythological hero Antaeus, who needed to touch the ground to regain his powers: "Like Antaeus, Faulkner derived his strength through contact with the soil, a particular and 'significant soil,' evoked in his fiction with a fierce particularity."

This man-of-the-soil fantasy had enormous appeal for Faulkner, since—as Parini's opening chapters make clear—he was something of a deracinated drifter himself. He was born William Cuthbert Falkner, on September 25, 1897. (He later added the "u," just as Hathorne added a "w" and Melvill a final "e," to make the name seem more aristocratic.) A steady declension in fortune and status from generation to generation had left him with little "soil" to call his own. His great-grandfather William Clark Falkner, a legendary figure known as the "Old Colonel," had fought bravely but recklessly at the first Battle of Bull Run; he returned to Mississippi to oversee a plantation worked by slaves, eventually becoming, as Parini awkwardly puts it, a "writer-railroad entrepreneur-lawyer-Civil War hero." His son, J. W. T. Falkner, the "Young Colonel," was an attorney and small-time politician, a University of Mississippi trustee, and a drunk—"the loneliest man I've ever known," in the words of one of his grandsons. The Young Colonel's son, Murry, William Faulkner's father, was a feckless depressive—"a dull man," according to Faulkner—who was happiest when drunk or on a hunting party or both. Faulkner was much closer to his mother, Maud, who had artistic tastes, liked books, and encouraged her son's slowly evolving literary aspirations.

As Murry downshifted from one absurd job to another—running a livery stable as automobiles were supplanting horses, then a gaslight business as electric lighting was coming into vogue—the family's fortunes declined and their lodgings shrank. William Faulkner's ambition was to write books that would earn enough money for him to restore the Faulkner fortunes and reclaim the Faulkner land; and this ambition seems less rooted in "significant soil" than in a fantasy of recovered status. Parini is surely right that a crucial scene in *Absalom, Absalom!*, when the young and shoeless Thomas Sutpen is scornfully redirected by a black servant to the back door of a Tidewater plantation big house, "had some primal meaning for Faulkner." Sutpen's first instinct, to shoot the plantation owner and his kin, is supplanted by an epiphany of acquisition:

> It was like that, he said, like an explosion—a bright glare that vanished and left nothing, no ashes nor refuse: just a limitless flat plain with the severe shape of his intact innocence rising from it like a monument; that innocence instructing him as calm as the others had ever spoken.... So to combat them you have got to have what they have that made them do what he [the servant] did. You got to have land and niggers and a fine house to combat them with. You see?



William Faulkner by Jack Coughlin for The New Republic

Faulkner's miserable marriage to his high school sweetheart, Estelle Oldham—"pretty as a little partridge," according to his younger brother Jack—was a restoration as well. She had first turned him down to marry a successful lawyer, and Faulkner was more than willing to wait his turn. She celebrated her marriage to Faulkner, in 1929, by trying to drown herself on their honeymoon. Still, the Faulkners eventually lived in a fine house in Oxford on a large tract of land with black (unpaid) servants. You see?

THE VIEW OF WILLIAM Faulkner as the authentic voice of the southern soil has, for a long time, been the "orthodox" version of his life and literary career. It has its origins in the southern intellectual movement of the 1920s and 1930s known as the Agrarians or, for the journal they founded, the Fugitives—a movement, it should be said, from which Faulkner kept his distance. Poets and intellectuals such as John Crowe Ransom and Allen Tate argued that the Agrarian South should resist the deracinating effects of northern industrialism, supposedly perpetrated on an unwilling South by the victorious Yankees during Reconstruction. In arguing for their own intimacy with "the land," theirs by right of inheritance and care, they implied, and sometimes stated explicitly, that their connection to landed property ran deeper than could be claimed by late arrivals such as carpetbaggers, blacks, and Jews. Ransom, in his contribution to the Agrarian manifesto *I'll Take My Stand* in 1930, invoked "the love of the tiller for the

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soil." The white southern farmer, he maintained, "identifies himself with a spot of ground, and this ground carries a good deal of meaning."

Parini is drawing water from the same befouled well when he refers to Oxford, Mississippi—home to a university that refused to admit black students until it was forced to in 1962—as an "organic community" and identifies Faulkner's "great subject" as "the loss of fidelity to the land and the subsequent decline of coherence in society." Parini seems aware of the reactionary impulse in these intellectual currents, and he tries half-heartedly to give an environmental spin to Faulkner's relations to the sacred land. "The threat of modernity, as represented by the automobile, loomed eerily," he remarks, "but Faulkner's attachment to horses—he rode with the hounds into the last year of his life—speaks to his innate conservatism, his wish to cling to a fading vision and way of life that could not withstand the onslaught of highways and suburbs, gas stations, and everything brought into being by the invention of the internal combustion engine."

The conviction that Faulkner is a sort of unofficial mouthpiece of the New South has led critics to persist in asking questions about his work peripheral to his major achievements. During the racial unrest of the 1950s and 1960s, Edmund Wilson and Irving Howe understandably looked to Faulkner, a liberal and a humanist, for insight into race relations in the South. Faulkner's contradictory public statements about race—he fancied himself a sort of Robert E. Lee, firmly opposed to the mistreatment of blacks but loyal nonetheless to the state of Mississippi—have made him an easy target for later critics who imagine that they are making a trenchant intervention by "interrogating" Faulkner for the thousandth time on the matter of race. But James Baldwin had the final word on this matter, I think, in his powerful diatribe "Faulkner and Desegregation" in 1956. Ridiculing Faulkner's plea for moderation, Baldwin wrote: "Why—and how—does one move from the middle of the road where one was aiding Negroes into the streets—to shoot them?"

Parini makes much of the discovery, by the scholar Joel Williamson, that the Old Colonel may have fathered a mulatto child, as though this factoid might be the source of Faulkner's recurring fascination with miscegenation, on display in two of his greatest novels, *Absalom, Absalom!* and *Light in August*. Perhaps so, but Faulkner's main concern in those novels is more generally with human alienation. His racially divided characters, the exotic New Orleanian Charles Bon and the Christ-figure Joe Christmas, are stand-ins for his own identification with the uprooted of society.

An irony of literary biography is that the documented facts of a great writer's life too often seem pale and two-dimensional, while the author's writings seem fully realized. "A book is a writer's secret life, the dark twin of a man: you can't reconcile them," Faulkner observed. Faulkner's life, a poor shadow compared with his novels, was not entirely without incident, in the South and elsewhere. He hung around college campuses—first Mississippi and then, tagging along with a literary friend, Yale—picking up fashionable ideas and a smattering of foreign languages. (Faulkner's first real publication was an adaptation of Mallarmé's "*L'Après-Midi d'un Faune*," in THE NEW REPUBLIC of August 6, 1919.) During World War I, after being turned down by the U.S. Army as too short, he

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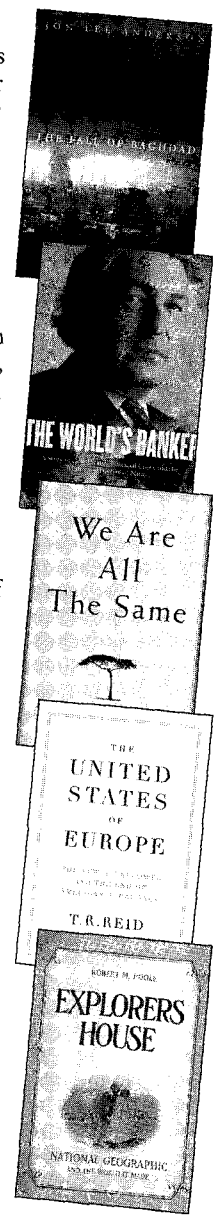

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enlisted in the Royal Canadian Air Force instead, hoping to learn to fly planes, an abiding fascination. He returned to Mississippi pumped up with an English accent, some invented war stories (he had neither seen military action nor boarded a plane), and an affected limp.

His first novel, *Soldier's Pay*, which appeared in 1926, is a rickety fantasy of a wounded soldier coming home to romantic betrayal and death. After graduating, so to speak, from the Ole Miss post office, Faulkner spent some lively months in New Orleans amid a clutch of aspiring artists and writers, including his mentor, Sherwood Anderson, who generously believed Faulkner's story about a plane crash during the war. ("Both legs were broken, one of them in three places," Anderson reported in his charming and gullible narrative "A Meeting South," "the scalp was badly torn and some of the bones of the face had been splintered.") Faulkner wrote another—better—novel, *Mosquitoes*, in 1927, about bohemian life in and around New Orleans.

And then, like some act of God along the Mississippi, the floodgates of genius burst. Between 1928 and 1942—the period Faulkner called "one matchless time"—he wrote a stunning succession of masterpieces, almost one a year: *The Sound and the Fury* (1929), *As I Lay Dying* (1930), *Sanctuary* (1931), and *Light in August* (1932). Then came a fallow interlude of a couple of years, during which he bought an airplane and finally learned to fly, wasted some time working for good pay in Hollywood on mediocre film scripts, and wasted more time on an affair with the secretary of his sometime boss Howard Hawks. (Parini pardons the affair, the first of several, on the grounds that Estelle, who had lost one daughter in infancy and gave birth to another, Jill, in 1933, refused to have sex with her husband thereafter.) Faulkner then resumed the scarcely credible run of invention with *Pylon* (1935), his underrated novel about barnstorming pilots aloft and in love; *Absalom, Absalom!* (1936); *The Wild Palms* (1939); *The Hamlet* (1940); and *Go Down, Moses* (1942), in addition to assorted short stories, essays, and oddities in between.

What most needs explaining is neither the quality (extraordinary) nor the quantity (miraculous) of Faulkner's novels. The larger mystery is the sheer audacity of his imagination. And here the South, with its supposed "tradition" (as Robert Penn Warren told Parini) of "men gathering around a campfire, drinking and smoking, remembering old times"—cannot help us much. What the South gave Faulkner was, above all else, distance: an empowering and encouraging distance from publishers, critics, and especially other writers. He knew from his years of reading in the post office what the competition was. He knew what Joyce had done and what Mallarmé had done and what Anderson and Hemingway were doing. He knew that literary rules of decorum were made to be broken. He knew the risks (incomprehension and ridicule) and he knew the rewards (greatness). He had witnessed and sometimes experienced, in New Orleans and Hollywood, the sheer degradation and momentary exaltation that people could reach together and alone. He knew the extremities of human and literary behavior. He knew what he needed to know. Oxford, Mississippi was quiet at night. When his courage waned, he drank. Sometimes, with the drinking, he recovered his courage, and sometimes, with the drinking, he passed out or had himself checked into an even quieter hospital to dry out. And then he returned to his desk and resumed writing.

Consider *The Sound and the Fury*, his first and perhaps most lasting masterpiece. There is nothing like it in American or any other literature. Faulkner wrote it at a low point in his fortunes. He had made no money from his first two books and had received a scathing response from his editor, Horace Liveright, concerning a third—a manuscript of a historical novel that Faulkner called "Flags in the Dust" (eventually published in 1929, in truncated form, as *Sartoris*). Liveright told Faulkner that he was "frankly very much disappointed by it." He specified the disappointments, rubbing in the criticism:

> It is diffuse and non-integral with neither very much plot development nor character development. We think it lacks plot, dimension and projection. The story really doesn't get anywhere and has a thousand loose ends. If the book had plot and structure, we might suggest shortening and revisions but it is so diffuse that I don't think this would be any use. My chief objection is that you don't seem to have any story to tell and I contend that a novel should tell a story and tell it well.

"It says a great deal about William Faulkner's character," Parini says, "that he continued to write, and with renewed intensity, in the face of this criticism." That is putting it mildly. Faulkner did not just continue to write; he wrote a book with even less of a "story to tell," with even less "character development," and where it can truly be said—in praise of the novel—that "the story really doesn't get anywhere and has a thousand loose ends." As Sartre declared in his classic analysis, published during the summer of 1939: "In *The Sound and the Fury* everything has already happened."

Like Sartre and many other critics, Parini prefers the second of the four sections of *The Sound and the Fury*, the one devoted to Quentin Compson on the day he wanders around Cambridge, Massachusetts, skipping his Harvard classes, plucking the hands from his pocket watch, and preparing to commit suicide. The section has undeniable appeal. Quentin is an intellectual narrator like Stephen Dedalus, or Binx Bolling in Walker Percy's *The Moviegoer*; Percy, another Quentin enthusiast, once said that all his own novels were devoted to the task of "keeping Quentin Compson alive." All the stuff in the Quentin section about the nature of time is so beguiling that you might think (as Sartre did) that the whole novel was some rougher American version of Proust.

> When the shadow of the sash appeared on the curtains it was between seven and eight oclock and then I was in time again, hearing the watch. It was Grandfather's and when Father gave it to me he said I give you the mausoleum of all hope and desire; it's rather excruciating-ly apt that you will use it to gain the reducto absurdum of all human experience which can fit your individual needs no better than it fitted his or his father's. I give it to you not that you may remember time, but that you might forget it now and then for a moment and not spend all your breath trying to conquer it. Because no battle is ever won he said. They are not even fought. The field only reveals to man his own folly and despair, and victory is an illusion of philosophers and fools.

This is grandly orchestrated and full of

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"big themes"; but it can hardly compare with the heartbreaking opening section, spoken or thought by Quentin's retarded brother, Benjy, or the "Once a bitch always a bitch" screed of the sadistic and bigoted third brother, Jason, later in the book. The whole Benjy chapter has an aching sense of loss, conveyed at the outset in the internal counterpoint of fence and flower. Benjy, attended by a black servant, Luster, is watching men playing golf on the pasture that used to be his but was sold to send Quentin to Harvard; he confuses the word "caddie" with his beloved sister Caddy, now lost to him:

> Through the fence, between the curling flower spaces, I could see them hitting. They were coming toward where the flag was and I went along the fence. Luster was hunting in the grass by the flower tree. They took the flag out, and they were hitting. Then they put the flag back and they went to the table, and he hit and the other hit. Then they went on, and I went along the fence. Luster came away from the flower tree and we went along the fence and they stopped and we stopped and I looked through the fence while Luster was hunting in the grass.
>
> "Here, caddie." He hit. They went away across the pasture. I held to the fence and watched them going away.
>
> "Listen at you, now." Luster said. "Aint you something, thirty three years old, going on that way."

Fence and flower are symbols, of course, but not in any mechanical way. The fence is Benjy's boundary, prefiguring his later confinement in an institution for the insane, but it also provides comfort: "I held to the fence and watched them going away." The fence is perhaps the traditionally masculine principle, clarifying and unyielding, and linked to Jason, who will have Benjy castrated and put away. The flowers are Caddy and life itself, the ache of the lost sister and the lost pasture; Benjy later keeps a couple of flowers as a symbolic "graveyard" for his dead mother and Caddy. Faulkner's boldness lies in his decision to put the Benjy section first, his tale told by an idiot, as though Joyce had opened *Ulysses* with Molly Bloom's monologue.

Faulkner's later novels exhibit a similar—though never repetitive—willingness to take risks. There are the fragmentary monologues of *As I Lay Dying*, belonging to the fragmented family that has banded together, as though in fulfillment of some impossible biblical prophecy, to get their dead mother carried in her coffin across rough country and properly buried. Again there is an inadvertently articulate retarded child: "My mother is a fish." Another child, Cash, hides his pain by methodically carpentering the coffin:

> I made it on the bevel.
>
> 1. There is more surface for the nails to grip.
>
> 2. There is twice the gripping-surface to each seam.
>
> 3. The water will have to seep into it on a slant. Water moves easiest up and down or straight across.
>
> 4. In a house people are upright two thirds of the time. So the seams and joints are made up-and-down. Because the stress is up-and-down.
>
> 5. In a bed where people lie down all the time, the joints and seams are made sideways, because the stress is sideways.
>
> 6. Except.
>
> 7. A body is not square like a crosstie.

And so on, up to number 13: "It makes a neater job." I once heard Seamus Heaney interrupt a poetry-writing workshop to draw attention to this extraordinary piece of writing, a poem in itself.

Faulkner was an innovative builder of literary structures—on the bevel, so to speak—and these he bequeathed to later writers. There is the double helix of intertwined narratives of flight—an adulterous couple looking for a new life and two convicts escaping from the penitentiary—in *The Wild Palms*. (This concoction proved too audacious for Malcolm Cowley, who extracted one of the strands for *The Portable Faulkner*.) There are the brilliantly linked stories, including the most famous one, "The Bear," in *Go Down, Moses*, a form reprised in Eudora Welty's *The Golden Apples*, her best and most bewitching book. And there is the sheer baroque intensity of *Absalom, Absalom!*, a great river of churning verbiage, homoerotic yearning, and miscegenation, tracing the rise and fall of the Sutpen family in the heat of a "long still hot weary dead September afternoon."

Parini lingers on some of Faulkner's most horrific scenes—the notorious

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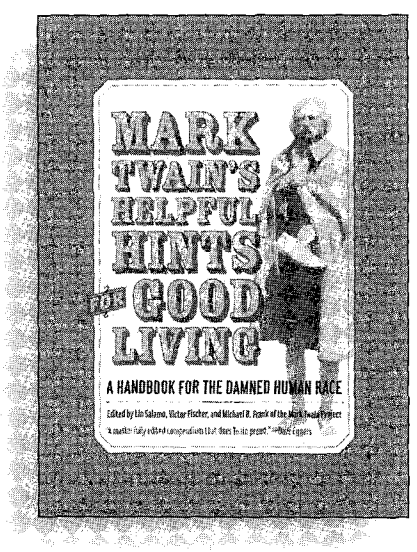

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corn-cob rape of the socialite Temple Drake in *Sanctuary* and the ghastly castration of Joe Christmas in *Light in August*—as though these were somehow the heart of Faulkner's art, grim reminders of a violent and unregenerate South. Actually, they are reminders of something else: that literary naturalism is the successor not of realism but of aestheticism. Such fantasy-laden scenes smack more of Swinburne and Aubrey Beardsley than of Dreiser. As Borges wisely said of Faulkner, "His brutality is of the hallucinatory sort—the infernal, not the terrestrial sort of brutality."

THE AUDACITY AND THE BRUtality decreased during the long second half of Faulkner's career, the decades that succeeded the "matchless time" and ended with his death in 1962. The book that inaugurated this autumnal phase of his writing was his most traditional, *The Hamlet*, which he belatedly graced with two inferior sequels, *The Town* (1957) and *The Mansion* (1959), to make up the Snopes trilogy. Balzac was his model now, as he traced the picaresque fortunes of a poor white family on the rise, by hook and by crook, in the Mississippi hamlet of Frenchman's Bend. A meeting in the summer of 1937 with his French translator, a Princeton professor named Maurice Coindreau, seems to have confirmed the Balzac parallel. According to Parini, Faulkner told Coindreau that "the Vendée peasants of France, so movingly evoked by Balzac, had much in common with the poor white farmers of the South and that their attitudes toward life were similar, grounded in agricultural rhythms." The best defense of these uneven novels that I know is by the Japanese writer Kenzaburo Oe, who found in them a characteristic pattern, on display in *The Sound and the Fury* and *The Wild Palms* as well, of female passion paired with male innocence. "Faulkner and Dostoevsky," Oe concluded, "have created in most of their works the female archetype who is capable of sustaining a writer's maximum imagination and the 'innocent' male character who works as a medium through which his passions are realized on the page."

Coindreau's place in Faulkner's career proved far more important than providing a sounding board for half-baked notions of southern peasantry and their deep ties to the land. Coindreau's translations of *As I Lay Dying* and *The Sound and the Fury* introduced Faulkner to his most important international readers: Sartre, Camus, de Beauvoir, and Malraux. "It was the prominence of Faulkner's reputation in Europe that would finally make his Nobel Prize possible," Parini notes, "and this can be traced back directly to Coindreau's translations."

Faulkner's acceptance speech for the Nobel Prize for Literature in 1949 is often quoted for its magnificent existentialist rhetoric about mankind resisting nuclear catastrophe, his rejection of the view that "when the last ding-dong of doom has clanged and faded from the last worthless rock hanging tideless in the last red and dying evening, that even then there will be one more sound: that of his puny inexhaustible voice, still talking. I refuse to accept this," wrote Faulkner. "I believe that man will not merely endure. He will prevail." But it was a quieter claim in the same speech that more securely gives voice to the sustained labor of this writer at his desk in Oxford, tirelessly inventing imaginative structures of human pain and defeat and momentary triumph. "I feel that this award was not made to me as a man," Faulkner wrote, "but to my work, a life's work in the agony and sweat of the human spirit, not for glory and least of all for profit, but to create out of the materials of the human spirit something which did not exist before." ■

Benny Morris
Process and Reality

THE MISSING PEACE:
THE INSIDE STORY OF THE FIGHT FOR MIDDLE EAST PEACE
By Dennis Ross
(Farrar, Straus and Giroux, 840 pp., $35)

I.

IN HIS RECENT MEMOIR, BILL Clinton records an absurd yet poignant moment when the ever-deceitful Yasir Arafat thanks him for his efforts to promote Middle East peace and lauds him as "a great man." The president replies, referring to Arafat's serial rejections of his and Israel's successive peace proposals: "Mr. Chairman, I am not a great man. I am a failure, and you have made me one." Clinton's account of the bouts of Middle East peacemaking on his watch take up about fifteen pages of his thousand-page autobiography. But here is Dennis Ross, who was the point man of American Middle East diplomacy from 1988 to 2000, with a full eight hundred pages on these events, and they are described with profuse detail, keen insight, and barely concealed passion.

Ross's personal involvement in the diplomacy of the Arab-Israeli conflict was total and, as he tells it, anchored to his Jewish background. Against the backdrop of the Six Day War in 1967, he came to identify with Israel while sympathizing with the plight of the Palestinians. He realized that Israel's security ultimately rested on its acceptance in the Middle East, on peace with its neighbors. "In the Jewish tradition," he writes, "there are few higher callings than to be a seeker of peace—a Rodef Shalom." Ross resigned from the State Department at the end of the Clinton administration, and, like Clinton, he left with a sense of great failure. This melancholy tone reverberates in his memoir's final pages.

Tucked in here, deep in this whale of a book, is a fitting metaphor. In one of his lighter passages Ross describes the American team driving out from Washington, D.C. to Camp David on July 10, 2000, on the eve of the historic American-Israeli-Palestinian peace conference, and taking a wrong turn in Maryland's Catoctin Mountains, where there were "few signs and no streetlights." They were lost. Ross says that he joked about it in the van, "praying we are not going to be lost once we get there."

But that is precisely what happened. The Israeli team, led by Ehud Barak, proposed to the Palestinians, led by Arafat, a genuinely historic peace settlement that would have created a Palestinian

Benny Morris is the author, most recently, of THE BIRTH OF THE PALESTINIAN REFUGEE PROBLEM REVISITED *(Cambridge University Press).*

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state, and the Palestinians rejected it, and all hell was unleashed in the Holy Land. It is now four years later and Israel, the Palestinians, and the Americans remain lost in a maze of violence and despair defined by Islamic suicide bombers, retaliatory strikes, and hatred on all sides.

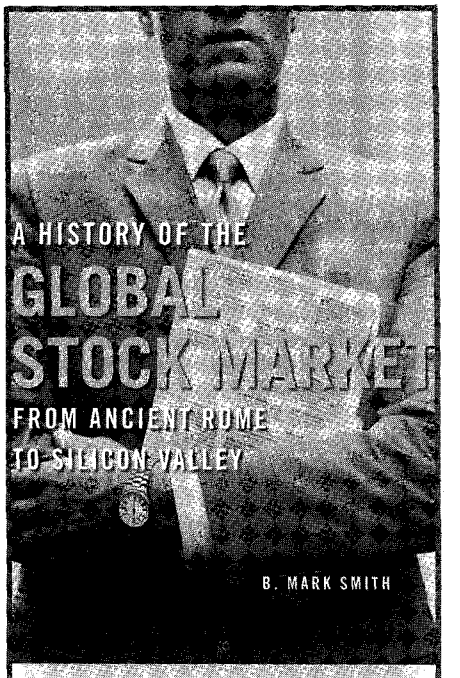
As the conference at Camp David unfolded, the Israelis continuously upped the ante. At first Barak offered the Palestinians a state encompassing 100 percent of the Gaza Strip and some 80 percent of the West Bank; the uprooting of most of the settlements; and in Jerusalem, sovereignty over outlying neighborhoods of East Jerusalem and functional autonomy in the core parts of the holy city. By the end of the conference fourteen days later, the Palestinians were offered a state on 100 percent of the Gaza Strip and 91 to 92 percent of the West Bank (including most of the Jordan Valley); compensation for the Palestinian refugees and aid in their partial repatriation to the Palestinian state; Palestinian sovereignty over half the Old City of Jerusalem and parts of East Jerusalem; and sovereignty over the surface area of the Temple Mount, including its two sacred mosques, the Dome of the Rock and Al-Aqsa.

The Palestinians rejected each deal in turn. They insisted on an Israeli endorsement of the right of return of the refugees from 1948 and their descendants—some four million people—to Israeli territory (Israel's population, without the territories, currently stands at five million Jews and more than one million Arabs); and on exclusive Palestinian sovereignty over the Temple Mount; and on Israeli withdrawal from the entirety of the West Bank and Gaza Strip. In the course of the intensive negotiations, some of the negotiators declared a Palestinian readiness to relinquish as much as 4 percent of the West Bank (if compensated with an equal amount of territory from Israel proper) and affirmed their "flexibility" on the implementation of the right of return, once the principle was conceded (alongside Israeli acceptance of sole "responsibility" for the creation of the refugee problem). But Arafat himself never explicitly confirmed these concessions, and he often made statements to the contrary.

During the following months, culminating in Clinton's "non-negotiable" proposals of December 23, 2000, the terms for the Palestinians were dramatically bettered—to include 94 percent to 96 percent of the West Bank, Palestinian sovereignty over all the Arab neighborhoods of East Jerusalem, and a small measure of repatriation of refugees to Israel proper, with massive international aid for the rehabilitation of the rest either in place or in the future Palestinian state. "Arafat had the best deal he could ever get," as Ross puts it. Or, as Clinton observes in his memoir, it was time for both parties "to put up or shut up." The "parameters" were immediately endorsed by Barak's Cabinet—and they were rejected, after the traditional foot-dragging, by the Palestinian leadership. Various Palestinian spokesmen were later to lie about this (Ross thoroughly exposes the lie) and claim that they had, "in principle," accepted the parameters. Arafat, according to Clinton, had made a "colossal mistake" and "an error of historic proportions."

Along the way Barak, too, made mistakes, and Ross highlights them. In his first year in office, Barak had allowed the continued expansion of the settlements; and signaled to the Palestinians that they were not his first priority by trying to make a deal first with Syria; and insisted on the summit taking place in mid-July, when the Palestinians asked for a delay until August or September (why such a delay would have rendered the Palestinians more amenable to compromise I have never fathomed); and delayed further Israeli withdrawals from parts of the West Bank, contrary to earlier Israeli commitments; and generally broadcast suspicion if not downright ill will toward Arafat (with whom he refused to meet one-on-one at Camp David). Barak was by no means a great diplomat. But his peace overture embodied real statesmanship and great courage—and his mistakes pale into insignificance by comparison with the Palestinians' rejection of the genuinely momentous deal offered in 2000.

WITHOUT DOUBT, THE PALestinian rejection of peace at Camp David and after—coupled with their unleashing in the West Bank and Gaza a war, known as the Al-Aqsa Intifada, against the Jewish state—was a milestone in the history of the Middle East, and will be regarded by future generations as one of the most catastrophic mistakes in this long history of catastrophic mistakes, right up there with the Palestinian rejection of the recommendations of the Peel Commission in 1937



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(the first internationally proposed partition of Palestine into two states, with the Jews receiving about 20 percent of the country), the Palestinian (and pan-Arab) rejection of the partition resolution of the United Nations General Assembly in November 1947 (it awarded the Jews some 55 percent of the country), and the PLO rejection of the Israeli-Egyptian Camp David Accords in September 1978 (they provided for Palestinian self-rule, which would most likely have evolved into full-fledged sovereignty, in the West Bank and Gaza Strip, constituting some 22 percent of the country). In 2000, the negotiations focused on the awarding of around 20 percent of the country to the Palestinians, so the conclusion is obvious: the successive Palestinian rejections each resulted in the reduction of the amount of land that the international community and the Jewish state have been willing to consign to Arab rule.

It is noteworthy that no Palestinian participant at Camp David in July 2000, or in the negotiations that followed, has published a detailed account of what transpired. Arafat himself has never gone on record about Camp David; like his colleagues, he has simply parried all questions in the matter with obtuse one-sentence generalities and mendacities about "cantonization" and "Bantustans," as if Israel had offered nothing and the Americans and the Israelis had conspired to cheat the Palestinians. Remarkably, almost no prominent Palestinian has publicly criticized or questioned Arafat's rejection of the Barak-Clinton offer. And the few who have vaguely suggested criticism have not fared well: in July Nabil Amr, a former Palestinian Authority Cabinet minister who had publicly broken ranks over Camp David, was shot by Arafat's henchmen and lost a leg. To this day, the Palestinian people have never been told what they were offered and what they turned down, and why. Indeed, Arafat and his colleagues were greeted as returning heroes who had steadfastly rejected humiliating Israeli-American diktats, and they have lied about Camp David and the Clinton proposals ever since.

So Ross's book affords an extremely important corrective. It will serve scholars of the Arab-Israeli conflict as a major source of information and analysis. It is certainly the most detailed and comprehensive exposition of the course of the Israeli-Palestinian peace process, starting with the Madrid Conference of 1991 and ending with the stalemate in which we now find ourselves. I hope that it will be translated, in full, into Arabic, but I have my doubts. But over time or so, I have to believe, the truth will penetrate Palestinian society. The Palestinians who were at Camp David have held their peace, perhaps because they wish to perpetuate anti-Israeli and anti-American propaganda, or because they want to cover for their leader, or because they fear the retribution of Arafat and his henchmen; but the truth cannot be forever denied. And *The Missing Peace* will certainly help to set the record straight.

Shlomo Ben-Ami, Israel's foreign minister and chief negotiator with the Palestinians during Barak's premiership, recently published a long memoir of the peace process, in which he makes the following valedictory observations:

> The Camp David [conference of July 2000] failed ... not because of territory or stories about a "Bantustan state" that supposedly was offered the Palestinians. The conference fell victim to three fundamental powerful myths, over which the Palestinian leadership was unwilling to compromise: opposition to the moral right of the Jewish state to exist; the ethos of [Palestinian] refugeedom; and Islamic fundamentalism, whose essence is the negation of any ... Jewish historical rights to the holy places [and the country].... Arafat never prepared his people for a compromise. He only repeatedly promised them that the final settlement—whether it is achieved by peaceful or violent means—would lead to the realization of all their aspirations....
>
> An inevitable conclusion to be drawn from Arafat's declaration of war [the launching of the Al-Aqsa Intifada] is that the whole diplomatic endeavor that began in Oslo [in 1992–1993] was built on a false assumption, which was that Arafat's intention was to reach a compromise. It emerged that Arafat, like every dictator before him, does not lie about strategy, but only misleads about tactics. After all, Arafat always said that "with blood and fire" he would redeem Falastin, would liberate al-Quds al-Sharif [Jerusalem], and bring about the return of the refugees to the fig tree and the sabra [cactus] fences that they abandoned in 1948. Only the Israelis and the Americans were misled into believing that he was striving for a diplomatic settlement.

These bitter conclusions come from one of Israel's leading doves.

Ross offers a different explanation of why the peace process failed. He seems to imply that peace really was attainable and at hand, but a piece was missing—an insufficient or badly timed concession, or poor chemistry between leaders, or one man's (specifically Arafat's) inability to sign on the dotted line for reasons that were psychological rather than ideological. The whole of his scrupulously (and sometimes tiresomely) detailed account of twelve years of twenty-four-hour-a-day engagement in the peace process—he says that its protagonists even peopled his dreams—is based on the premise that both sides by the late 1980s, and certainly in the late 1990s, were agreeable to a two-state solution and were genuinely striving to attain it. To be sure, Ross identifies Arafat as the chief culprit in the process's demise. ("How many times did Arafat have to tell us no before we heard 'no'? How many times could excuses be made for him?") But finally he seems to believe only that Arafat, like some inept bargainer in an oriental bazaar, merely miscalculated, and thereby missed the chance to clinch the deal of a lifetime, a deal that may never again be offered.

Occasionally Ross hazards the possibility that the Palestinians were simply uninterested in a two-state solution, as when he quotes himself telling the Palestinians after Camp David: "Right of return to Israel means you do not believe in a two-state solution." Or when he remarks that Arafat had been "unwilling to confront history and mythology." Early in the book, in his introductory historical survey, Ross asserts that the Arab world has never accepted Israel's legitimacy: "There was, to be sure, no more than a grudging acceptance of the reality of Israel ... [but] no real readiness to accept the legitimacy of Israel's existence," even among those professing a readiness to accept a two-state solution, and nowhere was this attitude toward Israel's legitimacy more pronounced, for perfectly understandable reasons, than among the Palestinians. But Ross fails to connect the dots

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between these larger insights and the Palestinian leadership's behavior in the peace process.

Nowhere does Ross charge the Palestinians with deceiving the Israelis and the Americans about their readiness to end the struggle and to accept Israel into the family of Middle Eastern states. Ross's Palestinians—including Arafat—sincerely want peace with Israel based on a two-state settlement. In *The Missing Peace*, whenever Arafat lies or instigates or acquiesces in anti-Israeli violence or rejects a compromise, it is always for some ulterior political purpose (to keep the masses happy, or to neutralize his critics, or to make a point in inter-Arab debate), and never because he actually believes in mendacity and violence as a way of political life, and in the destruction of Israel as his historical goal. "He was all tactics and no strategy," Ross (in my own view, mistakenly) suggests.

ROSS IS EVEN MORE TRUSTING when it comes to the peace-mindedness of the coterie surrounding Arafat. In his account, Arafat's aides—Mohammad Dahlan, Abu Mazen, Abu Ala, Saeb Erekat—are forever conciliatory, forever agreeable to ceding chunks of Palestine to Israel or forgoing refugee repatriation. They are forever whispering in Ross's ear, out of earshot of the Rais, sweet nothings about peace. But they are constantly thwarted or neutralized or contradicted by Arafat.

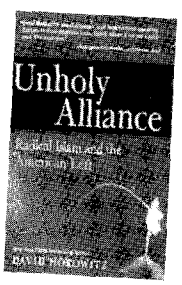
Thus, Ross tells us about Abu Ala, the Palestinian Authority's current prime minister and, since Oslo, the chief Palestinian negotiator with Israel, that "he wanted a different future for his people.... He understood this could only happen in peace with the Israelis. He found in Uri [Savir] and Shimon Peres Israelis who recognized that they would not have peace without coexistence with Palestinians." When Camp David founders, Ross describes Abu Ala as looking "at me sadly and with a note of complete resignation [saying]: I am afraid it may take another fifty years to settle this now." "At the end of the meeting," Ross concludes, "I didn't know which of us was more depressed." Compare this with Ben-Ami's observation about Abu Ala and his colleagues immediately after the failed last round of negotiations at Taba, in January 2001: "I looked at the faces of the Palestinian [negotiators, who were led by Abu Ala, and] I failed to spot any sadness. I do not see there the sadness of a missed opportunity." Indeed, Abu Ala had stepped up to the rostrum, after Ben-Ami had declared that the two sides had "never been closer to an agreement," and had reiterated, before the world press, the Palestinian commitment to the refugees' unqualified "right of return."

Abu Ala, who is represented by Ross as the most conciliatory and moderate of the Palestinian "Old Guard" leadership, was even less restrained in his political utterances before Camp David. On May 13, 1998, he published an article in *Al-Ayyam* commemorating the fiftieth anniversary of "*al-Naqba*," or "the Catastrophe," the Arabic designation of the Palestinian and pan-Arab defeat in the 1948 war. He made two points that were to crop up again and again at Camp David. The first was that the Jewish claim to the land is historically false, implying that the Jews never lived in or ruled Palestine. The Zionists, he argued, fabricated both Jewish history and the Jewish religion by reviving "mythological sources [he seems to be referring to the Bible] and their reinterpretation in a manner consistent with Zionist aspirations and desires for Palestine land as was exemplified in the circulation of the false claim concerning the return of the Jews to the land promised them after 2,000 years." In fact, he claimed, Palestine (or Canaan) was "the land of banishment" of Abraham, Isaac, and Jacob, not their promised homeland; that is, the Jews' real homeland was—or is—Ur Kasdim, in Iraq.

Abu Ala's second point was that the Palestinian refugees of 1948 and their descendants have an inalienable "right of return" to their homes and their lands: "The dreams of our Palestinian people continue to draw strength and legitimacy from its basic right to its land and country, its legitimate right of return." In his article, Abu Ala, rather like some contemporary Islamist preachers, lamented, and implicitly compared, the loss of Palestine in 1948 and the loss of Andalus (Spain) in the fifteenth century as the two major historical catastrophes that befell the Arab nation: "Fifty years and the bitter memory calls for comfort ... or for weeping even though our history reminds us of the tears of small Abu Abdullah whose tears profited neither him nor Arab history one iota when he delivered the key of Andalus to Ferdinand and Isabella, at the time his raped mother shouted out a stanza from a poem whose echo is repeatedly heard throughout the nights of Arab defeat since that historical event."

At Camp David and ever since, the Palestinian leadership has not wavered in its demand that Israel accept the "right of return" to all of historic Palestine. And at Camp David and after, in conformity with the idea that there is no historical connection between the Jewish people and the Land of Israel/Palestine, Arafat unswervingly demanded sole Palestinian sovereignty over Jerusalem's Temple Mount, or the Haram al-Sharif, and he and his colleagues repeatedly backed this by denying the historical connection of the Jews to the site. They insisted, according to Ross, that there had never been a Jewish Temple—the religious and national center of the Jewish faith and polity between roughly 950 B.C.E. and 70 C.E.—at the site. (At one point, Ross reports, they even more bizarrely claimed that the Temple had been in Nablus, the biblical city of Shechem.) Arafat's assertions with regard to the Temple Mount are merely a microcosm of Abu Ala's more sweeping assertions relating to the Jews and the whole of Palestine. This distortion of history is tantamount to asserting—in a peace process!—that Jewish nationalism is based on a lie, and that the Zionist settlement of Palestine since the end of the nineteenth century, when coupled with the dispossession of the native

"The interests of Muslims and the interests of the socialists coincide in the war against crusaders."
—OSAMA BIN LADEN



Unholy Alliance: Radical Islam and the American Left
by David Horowitz

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Arab population, was nothing more than an act of robbery that for some unfathomable reason the international community has accepted.

ABU ALA'S ARTICLE, AND more generally Dennis Ross's memoir, raises what is the central question, I think, about the whole of the Israeli-Palestinian negotiating process since Yitzhak Rabin and Yasir Arafat embarked on it in late 1992: are the Palestinians really interested in a two-state settlement of the century-old conflict, or are they bent on Israel's ultimate demise, with sporadic bouts of negotiation and partial agreements seen merely as stepping stones to bring them closer to achieving their goal? Do the Palestinians, as represented by their current leadership, really want peace with Israel, or do they seek a Middle East with a Palestinian Muslim Arab state covering the whole land mass between the Jordan River and the Mediterranean, with no Israel (as depicted in the textbooks produced since 1993 by the Palestinian Authority for the schoolchildren of the West Bank and Gaza Strip)?

For all its length and its scope, Ross's book fails to raise the question, let alone to answer it. He seems to assume that the Israeli-Palestinian talks that he so ably and doggedly mediated were genuine negotiations between two sides sincerely devoted to achieving a compromise in which, in the end, two states, one Israeli and the other Palestinian, would co-exist between the river and the sea. The negotiation, Ross assumes, was merely about the modalities—where exactly the border would run between these two states, what security provisions would be in place, how many Palestinian refugees would be allowed to return to what parts of Palestine, and so on—and they collapsed over unbridgeable differences regarding these modalities, which was the result of Arafat's personal failings rather than an ideological consensus shared by the Palestinian leadership and the bulk of the Palestinian people.

Clinton, in *My Life*, adopts a similar position: "Perhaps he [Arafat] simply couldn't make the final jump from revolutionary to statesman." And, writing of Arafat's intractability at Camp David, he conjectures: "It is hard to know why he had moved so little. Perhaps his team really hadn't worked through the hard compromises; perhaps they wanted one session to see how much they could squeeze out of Israel before showing their hand." Of Arafat's response to his proposals of December 23, Clinton writes that Arafat "was also trying to wriggle out of giving up the right of return. He knew he had to but was afraid of the criticism he would get." Like Ross, Clinton never raises the possibility that Arafat and his aides rejected the successive peace proposals because, quite simply, they oppose a two-state compromise. And, like Ross, Clinton acquits Arafat's aides of rejectionism: "Most of the young people on Arafat's team wanted him to take the deal," he observes. "I believe Abu Ala and Abu Mazen also would have agreed but didn't want to be at odds with Arafat."

AN EXTREME VERSION OF THIS interpretation—that Arafat was, and perhaps still is, interested in a two-state, solution, and that in 2000 he simply miscalculated—has been offered up also by Robert Malley, the former U.S. National Security Council official, in a recent review of Ross's book in *The New York Review of Books*. Malley misleadingly suggests that Ross apportions blame equally to the Israelis and the Arabs for the failures of the Oslo process and the Camp David talks ("His explanations essentially come down to one: The persistence of both sides in destructive behavior"). And somewhat contradictorily, he takes Ross to task for his "denunciation of Arafat" and a "one-dimensional take" on the Palestinian leader. In his effort to cleanse Arafat of "original sin"—a deep-seated, irrevocable aversion to accepting the legitimacy of Zionism and Israel and an unwillingness to make peace with a Jewish state permanently embedded in the Middle East and Palestine—Malley enlists as his authority Amos Malka, former director of Israeli military intelligence, who recently argued that Arafat was willing in 2000 to reach a diplomatic solution but at a slightly higher cost than Barak was willing to pay. What Malley does not tell his readers is that the bulk of Israel's intelligence community—the heads of the Mossad and General Security Service (Shin Bet) as well as other chiefs of military intelligence—are all agreed that Arafat's long-term goal, to be achieved through demography, terrorism, and war, is Israel's destruction and Palestinian Arab rule over all of Palestine. (And even Malka does not dispute the fact that this is the unshakable and publicly espoused aim of Hamas, Islamic Jihad, and many in Fatah's own Al-Aqsa Martyrs Brigade, who together enjoy the support of the majority of Palestine's Arabs.)

At the core of Malley's analysis is an effort to forge a "balance" and shave off the unedifying complications. How else to explain his mind-boggling assertion, in trying to apportion blame equally for the collapse of the peace process, that, "skeptical that Palestinians would accept a Jewish State, Israel was loath to give up territory. Dubious about Israeli willingness to withdraw from all occupied land, Palestinians were reluctant to relinquish the use of violence.... Unable to justify concessions by pointing to the ultimate prize, neither party had the political will to confront opponents." This assertion of Israeli-Palestinian "symmetry," when subjected to the hard light of facts, is insupportable. It is true, as Malley posits, that Arafat and his fellow Fatah leaders have throughout the peace process refused to confront and face down, not to say crush, the right- and left-wing extremists of the jihadist and PFLP persuasions. But how can he seriously contend that Israel's leaders, similarly, were unwilling to give up territory or confront their right-wing critics? Surely even Malley must acknowledge that Rabin was murdered precisely because he was willing "to give up territory" and to confront the Israeli right; and that Barak, far from shying away from confrontation, put his political life on the line in offering the Palestinians far-reaching concessions, and paid with his prime ministership when the Palestinians turned him down and the right mobilized a majority to boot him out of office. Even the much-reviled Sharon is now single-mindedly pursuing a policy of withdrawal from the Gaza Strip that is bringing him into head-on collision with the right, including much of his own Likud Party. (Signs at recent right-wing rallies have bluntly asked, recalling the grim Rabin days, "Sharon a traitor?")

The simple fact is that most of Israel's recent leaders—Rabin, Peres, Barak, and yes, even to a degree Sharon—have had the political sense and the personal courage to advocate a separation from the Palestinians and a peace involving major concessions even at the cost of traumatic internal discord. Arafat and his colleagues have not taken any similar step.

Ross recounts with verve the dramatic high points of various diplomatic en-

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counters. The famous set-to between Abu Ala and Clinton on the fifth day at Camp David, while previously rumored or hinted at, is described in detail for the first time. Abu Ala rejected a proposed Israeli withdrawal map, and was rebuked by Clinton for not explaining what exactly the Palestinians objected to, and for not making a counter-proposal with a map of their own: "This was typical of Palestinian 'diplomacy.'" Abu Ala then "repeated old arguments about the settlements being illegal and the Palestinians needing the 1967 lines." The president, Ross records, became "livid.... He said this was an outrageous approach.... Abu Ala was simply not willing to negotiate ... this wasn't serious, it was a mockery.... The President [then] stood up and stalked out. Everyone was stunned."

THE PALESTINIANS' INTRANSIgence about Israel has certainly been intensified by the support that they have enjoyed from the rest of the Arab world (and, to a large degree, from the wider Islamic world as well). Between the 1920s and the early 1970s, the leaders of the Arab states relentlessly endorsed the historical rejectionism of the Palestinians, which lent hope and staying power to successive Palestinian leaderships. Since the 1970s, the picture has been more complicated. Egypt and Jordan have formally made peace with Israel; but the rest of the Arab world persists in a refusal to accept the legitimacy of the Jewish state. This terribly destructive position is owed in part to the fact that almost all Arab leaders—in Iraq, Syria, Egypt, Jordan, Libya—have been, and are, dictators of one sort or another, and have lacked political legitimacy of their own. They have been, and remain, fearful of their peers and their citizens, and nothing is more likely to whip up anti-government passions in the Arab street than the charge of betraying the Palestinian cause. So Arab leaders such as Egypt's Hosni Mubarak may occasionally, under American pressure and in private, reprove Arafat or try to persuade him to adopt a more conciliatory stance, but they cannot afford to do so publicly or seriously. Only a Palestinian leader can "give" on such issues as Jerusalem or the refugees. Ross writes repeatedly and well about Arab—especially Egyptian and Saudi—obstructionism and "spoiling" during the various rounds of negotiation, and he makes a shrewd observation when he speaks of their "bandwagon culture": in "the Arab Middle East ... one goes with the winners—and stays far away from the losers."

But there is more to it than that, and we must return to the Camp David–Arafat paradigm. The truth is that most Arab leaders are in complete agreement with the Palestinians about Israel's illegitimacy: they, too, wish that Israel had never been born, and long for its disappearance. Some of them are willing to help that process along, so long as it does not mortally endanger their own regimes, states, and peoples (as in Bashar Assad's support of Hezbollah, Hamas, and Islamic Jihad). So, quite naturally, they support the right of the refugees to return and sole Palestinian sovereignty over the Temple Mount as simply the requirements of "justice." This is what one reads and hears in the Arab media, day in, day out; this is what the Arab leaders believe.

According to Ross, the Arab leaders outside Palestine, such as Mubarak of Egypt and Crown Prince Abdullah of Saudi Arabia, have so far played a spoiling (and cowardly) role. They have refused Palestinian moderates the support that they needed to persuade their people to make the concessions necessary for peace. This must change, Ross rightly suggests, if the Palestinians are to move toward real accommodation: "[The outside Arab leaders] must say in public that particular actions by Arafat or others threaten the Palestinian cause; that suicide bombers are not martyrs; that there is a legitimate way to redress grievances and an illegitimate way to do so.... Crossing these public thresholds would amount to a psychological revolution for Arab regimes. It would have a dramatic effect on peace-making."

WHICH BRINGS US TO WHAT is the most innovative and revealing part of Ross's book: the blow-by-blow descriptions of the successive rounds, during the 1990s and 2000, of negotiations between Israel and Syria. Until now, Israeli, American, and Syrian spokesmen have been very discreet about what actually happened at each stage of the negotiations between Rabin, Peres, and Barak and the Syrians; what was offered by whom, when, and why. The Israelis and the Syrians were wary, for internal political reasons and for tactical diplomatic reasons, of revealing just how much they were willing to concede, and the Americans, to be effective and honest brokers, felt obliged to maintain an understandable discretion. Now, with Ross, and to a lesser degree with Clinton, all, or a great deal, is revealed.

On the face of things, a Syrian-Israeli peace is infinitely easier to achieve than a Palestinian-Israeli peace. The issues at stake are simple and few, the path to a settlement is well posted, and the costs for both sides are almost completely clear. Yet despite intensive American mediation, and despite what appeared to be an Israeli and Syrian willingness to pay up (the Golan Heights in exchange for recognition and peace), an agreement was not achieved. According to Ross

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(and to Clinton), the fault, at least at the end, lay mainly with Ehud Barak.

I am not so sure. Again, it boils down to the fundamental question of whether the problem was one of tactics—Barak, it is said, held back when he should have been forthcoming, and by the time he was ready for a deal Hafez al-Assad, his health in mortal decline, was not, his mind preoccupied with the problem of his succession—or of strategy. I should add that Barak himself thought the problem was tactical, not strategic. He told me in 2002 that he believed Assad at the time was sincere in his willingness to reach a settlement with Israel.

In the mid-1990s, Assad, who had been president of Syria since 1971, declared that he had made a strategic decision to seek peace with Israel. But was he telling the truth? Was he really interested in ending the conflict with Israel, or was he, in the new geopolitical situation created by the collapse of the Soviet Union, Syria's traditional superpower patron, merely interested in playing along with the Americans for the benefits that his participation would gain him in Washington and Europe? It is certainly worth recalling two facts: that Assad was the most consistent and ideological rejectionist Arab leader of his generation, before the mid-1990s abjuring all contact with Israel (when Prime Minister Shimon Peres in early 1996 pleaded for a face-to-face meeting, in order to persuade his own skeptical public of Syrian sincerity, Assad refused); and that the only portrait that hung on the wall in Assad's office was of Salah-a-Din, known to us as Saladin, Assad's (and, incidentally, Arafat's) hero, the medieval Muslim general who defeated the Crusaders and restored Jerusalem (and Palestine) to Islam.

In any event, Ross offers an illuminating round-by-round description of the Israeli-Syrian negotiations. Rabin in 1993–1995, Peres in late 1995–early 1996, and Binyamin Netanyahu in 1997–1998 all offered Assad a complete Israeli withdrawal from the Golan Heights to the 1967 border in exchange for a full peace, with adequate security provisions and full economic and diplomatic ties. Assad stalled and stonewalled, and no deal was reached. (Netanyahu subsequently claimed that he had never agreed to the 1967 border.)

The most intriguing Syrian-Israeli exchanges occurred during Barak's premiership, when it seemed to the American mediators that Assad was at last ready, and even eager, for a deal. The Syrians had explicitly agreed to formal diplomatic ties, and to a pullback of troops to assure Israeli security, and to an early-warning station manned by Americans to oversee Syrian military deployments. Barak had agreed to withdraw from the Golan—but he refused, at least initially, to re-affirm the Rabin "pocket," the American term for Rabin's commitment to Secretary of State Warren Christopher in 1993 that Israel would be ready to withdraw to the June 4, 1967 line if the Syrians were forthcoming in providing adequate security arrangements and normalizing relations with Israel as part of a full peace treaty. Moreover, Barak insisted that the whole of the shoreline of the Sea of Galilee remain under Israeli sovereignty, including a four-hundred-meter-deep strip along the lake's northeastern shore. The Syrians, according to Ross (and Clinton), had agreed to a strip ten to fifty meters deep; but Barak was afraid that the Israeli public would reject such a deal and refused to commit himself, and the Syrians ended the Shepherdstown negotiations of January 2000 in a huff.

When Clinton and the dying Assad met in Geneva on March 26, 2000, the Americans and Barak hoped that at last a deal would be clinched—but Assad backpedaled, insisting on Syrian retention of the northeastern lake shoreline and refusing to hear Clinton out on the latest Barak offers. "The lake has always been our lake," Assad told Clinton, according to Ross; "it was never theirs.... There were no Jews to the east of the lake." According to Clinton, Assad said that "he wanted to be able to sit on the shore of the lake and put his feet in the water." Ross concluded that Assad was now focused on the succession in Damascus, and "had made up his mind before coming to Geneva that now was not the time to do a deal," whatever Barak was offering. "The moment for a deal," Ross writes, "was in December and January, when Assad wanted to move." Clinton similarly recalls that "the Syrians came to Shepherdstown in a positive and flexible frame of mind, eager to make an agreement. By contrast, Barak ... needed to slow-walk the process in order to convince the Israeli public that he was being a tough negotiator.... I was, to put it mildly, disappointed."

Are Ross and Clinton right? Was it the problem of the succession that led to Assad's recalcitrance in March 2000? Would the Syrians have signed on the dotted line in January 2000 if Barak had been more forthcoming? If so, why didn't they reach an agreement with Rabin and Peres back in the mid-1990s, when neither insisted on a chunk of territory along the lake's northeastern shore? Why, when all is said and done, had the Syrians, consistently in the course of a decade, refused to reach an agreement when Israel was offering to withdraw from the Golan Heights back to the 1967 border without a narrow strip of shoreline that should not have been in Syrian hands in the first place? (The French-British demarcation of the Palestine-Syria border in 1923 had left

Out of the Office

Soak in the valley at every pore,
the Sound held back by dikes, river
soil-brown, slowed among sunlit rushes—

this is mid-morning's fantasy,
a partial truth slipped free of thought
then tracked and for a moment caged.

Clams squirt from flats, dig with their tongues
like teenage lovers parked on the edge
of cliffs. Their whispering vibrato.

A boy at arms—the arms were hers
and so was every other part—
finning the brine, nosing the grass.

Should it begin here or elsewhere
with gulls that wheel above the Sound
and gillnets hauled in at first light?

Should it be love in a parked car
as you recall it, slipping free
again in the mind's fraught weather?

Regret at a thing said or not said
leaps out of the brackish water,
then vanishes in widening rings

as the whole broad valley vanishes.
Everything that can't be changed
nudges the aquarium glass.

DAVID MASON

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all of the lake and its shoreline inside Palestine, much as the Israel-Syria General Armistice Agreement in 1949 left the whole of the lake under Israeli sovereignty.) Were the Syrians really willing to make peace with Israel? I'm not so sure.

IN HIS BOOK ROSS PRESENTS USEful sketches of the protagonists of the peace process and offers critical insights into their performances. Of Clinton, whom he generally presents in a favorable light—highly intelligent, hard-working, affable, open to persuasion, with ready mastery of details and arguments—he observes: "Elevating horizons and fulfilling dreams was a Clinton specialty." But he also points out that at Camp David Clinton's "weakness as a negotiator emerged: if I briefed him on the key trade-offs too early, he tended to play the ideas prematurely." Of Rabin, the Americans' favorite among all the players, Ross writes:

> His was a first-class mind.... If he gave you his word, he would keep it, even if the circumstances changed.... Later ... he felt he had made a mistake in what he committed to us on the Golan Heights [i.e., withdrawal to the June 4, 1967 line], but he would not retreat from his commitment.... Yitzhak Rabin was for me the embodiment of the Israeli experience. He was close to the land, blunt in his demeanor, personally fearless.... He was a man preoccupied with history.... His last words to me were strangely prophetic: "Dennis," he said, "expect anything."

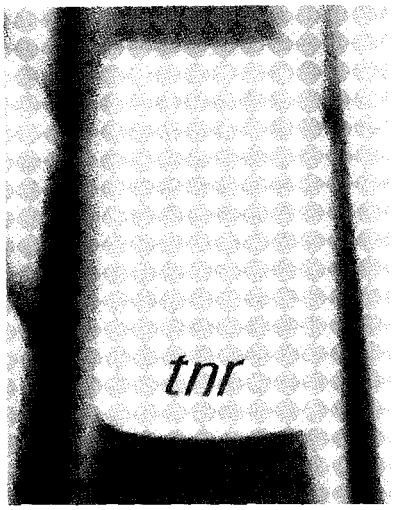
And of Netanyahu: "Bibi rarely seemed to know how to act on his ideas—how to present them, to whom, and even when to do so. Translating an idea into action seemed beyond his grasp." Elsewhere he quotes the British ambassador to Israel, who said of Netanyahu that, like a drunk, he "lurches from lamppost to lamppost."

Shlomo Ben-Ami ends his book by arguing that the United States, Europe, Russia, and the United Nations must together twist Israeli and Palestinian arms and coerce the two sides to agree to a settlement, because on their own, without such external intervention, there will never be peace. Dennis Ross argues the opposite: "Imposed decisions will not endure.... An imposed solution will ... be no solution at all." Peace can only be reached if the two sides genuinely agree. He seems to be telling his readers that the Israelis have in their hearts agreed to the partition of Palestine and the establishment of a Palestinian state more or less encompassing the whole of the West Bank, Gaza Strip, and East Jerusalem; and that the Palestinians, along with the wider Arab world, still deny Israel's legitimacy. He is right. So long as this psychological and ideological asymmetry exists, no agreement can be reached and no peace can prevail.

And what about Ariel Sharon, who is currently pushing for unilateral Israeli withdrawal from the Gaza Strip? Ross seems to be arguing against unilateral, unreciprocal, uncoordinated actions of this sort: "While unilateral Israeli withdrawal to new borders can be a possible step, it cannot produce a solution ... [the] Palestinians are likely to reject any borders that are imposed by Israel.... The Palestinians will accept what they get, but insist that their land is still occupied and the withdrawal line is likely to become the new line of confrontation." Still, Sharon's plan for a withdrawal from Gaza is the only program that augurs any sort of movement toward peace and any hope of exit from the bloody trap into which both sides maneuvered themselves in 2000.

Ross, Sharon, and the plan's Israeli critics all recognize its two major flaws: it will be interpreted by the Palestinian military organizations and their supporters—most Palestinians—as a sign of Israeli weakness, and will inevitably invite more terrorism to achieve a similar Israeli withdrawal from the West Bank, without the Palestinians' having to pay for such a withdrawal with a true acceptance of Israel; and it applies only to the Gaza Strip and a thin strip of land in northern Samaria, and promises nothing for the Palestinians of the bulk of the West Bank and East Jerusalem, in terms of their aspirations for sovereignty and statehood. So long as this is true, there will be little incentive even for moderate Palestinians to call an end to the ongoing war.

On balance, Sharon is probably right: in withdrawing from Gaza, Israel has more to gain—in terms of reducing its costs, shortening its military lines, and shoring up its support in the West—than to lose. But it is doubtful that such a step will bring the Palestine problem any nearer to a solution. For that, a major adjustment in the mentality of the Palestinians and their Islamic Arab hinterland is required. There is no sign of such wisdom on the horizon. ■



Hot Button Issues

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WASHINGTON DIARIST

Heavy Meddle

"If you're listening to a rock star in order to get your information on who to vote for, you're a bigger moron than they are." This was the recent advice of the moronic rock star Alice Cooper, a heavy metal icon from the 1970s, who, in his decadent glory days, made Ozzy Osborne look like John Denver. "Why are we rock stars? Because we're morons. We sleep all day, we play music at night, and very rarely do we sit around reading *The Washington Journal*," Cooper explained, handily proving his point by citing a nonexistent publication. "[R]ock is the antithesis of politics. Rock should never be in bed with politics."

But rock has never been more in bed with politics. After three decades during which Cooper's apolitical vision reigned, politics now seems to be the rule, not the exception. Recently, we've seen major rock albums with titles like *Hail to the Thief*, *American Idiot*, *The Revolution Starts Now*, and *Stealing of a Nation*. A group called Punkvoter has released a pair of brisk-selling *Rock Against Bush* compilations. *Rolling Stone* has grown as lustily anti-Bush as *The Nation*. This fall, rock icons like Bruce Springsteen, REM, the Dave Matthews Band, and Pearl Jam teamed up for a MoveOn-sponsored "Vote for Change" tour of major swing states. Even megastar rapper Eminem opines about the phony Saddam–Al Qaeda linkage and features a track blasting Bush—who "is definitely not my homie," the rapper tells *Rolling Stone*—on his upcoming album. Meanwhile, MTV is running an election documentary hosted by hip-hop mogul Sean "P. Diddy" Combs, who's started a registration campaign with the arresting (if nonsensical) slogan "Vote or Die." "Thug to thug," one of Puff's cornrowed co-hosts asks a young black man, "how you gonna vote?"

Popular music hasn't been this socially conscious in 40 years—not since Vietnam and the civil rights movement produced the polemical likes of Bob Dylan and Phil Ochs (whose sardonic indictment of radical chic, "Love Me, I'm a Liberal," may be the only song ever to name-check The New Republic). That revolution quickly fizzled in the '70s, however, when pop music received a frontal lobotomy from disco. The following decade did bring a political boomlet as Reaganism fueled punk's anti-establishment anger ("I am Emperor Ronald Reagan / born again with fascist cravings," the Dead Kennedys raged in 1982) and alarmed the sensibilities of more genteel rockers like REM and Sting, who crooned about nuclear war ("I hope the Russians love their children, too"). But this new activism only went so far. REM's boldest statement in the 1988 campaign was to release its album *Green* on Election Day.

In the 1990s, grunge and slacker culture drove rock's ethos into a state of self-congratulatory apathy, epitomized by Kurt Cobain's famous existential shrug, "Oh well, whatever, nevermind." For many rockers, political activism amounted to railing against concert ticket prices or file-sharing networks like Napster. There were exceptions: Rage Against the Machine, for instance, was worshipped by young leftists for its funk-metal broadsides against capitalism and U.S. power. But nothing approached the engagement of today's rockers, who deconstruct Fox News, analyze swing states, and follow liberal blogs. Pearl Jam's website actually features a link to Josh Marshall's *Talking Points Memo*. You can almost imagine Springsteen starting his day with *The Note*.

It's hard to tell whether these rockers are actually accomplishing anything, but there's certainly evidence that young voters are jazzed for John Kerry. A recent ABC News/*Washington Post* poll showed Kerry leading Bush among 18- to 29-year-olds by a 57–38 margin. In 2000, that group split nearly evenly between Bush and Gore.

If today's rockers are more effective, it's because they've become more savvy. The Vote for Change artists, for instance, maintained impressive message discipline; conservatives hoping for self-destructive Bush-as-Hitler rants were disappointed. The rock world has even learned to play hardball. Rock the Vote, a record industry–backed voter turnout and registration group, has infuriated Republicans by flogging the notion of a potential draft, even drawing a cease-and-desist letter from the Republican National Committee. So far, it's not backing down. "It's time for a candid national dialogue about this issue so that we know where the politicians stand before—not after—the election," explains the group's website, with all the feigned neutrality of a Fox News anchor.

Musically, rock's anti-Bush slant hasn't been as clever. Much of it, in fact, has been irritatingly self-important: Radiohead's tedious *Hail to the Thief*, for instance, and the normally sensible David Byrne's recent tune, in which he frets that we're "In a democratic fever / for national defense" and implores, "Young artists and writers / please heed the call." Likewise, on the MoveOn-sponsored disc *Future Soundtrack for America*, former Soul Coughing front man Mike Doughty's lyrics have all the rock panache of a Rand Beers memo: "Yeah, I believe the war is wrong / I don't believe that nations can be steered / Lead the world with smarts and compassion / By example, not coercion, force, and fear." It hasn't all been so bad, though. Steve Earle's *The Revolution Starts Now* is a great, rollicking record whose politics succeed because they're leavened with humor and self-awareness. For example, Earle's arch faux-love song to the national security adviser—"Condi, Condi"—is not to be missed: "Oh, Condi, Condi, beggin' on my knees / Open up your heart and let me in won't you please. … Oh, she loves me, oops she loves me not / People say you're cold, but I say you're *hot*!"

Ultimately, I tend to side with Alice Cooper. To my taste, the best rock deals in artful abstractions that allow listeners to derive their own interpretations. In high school, I loved the moody REM song "Fall On Me," thinking that its refrain—"Buy the sky and sell the sky"—was a profound statement about rampant commercialism, or perhaps the bleakness of cold urban skylines. I was disappointed to discover that the song was a faddish treatment of the acid rain scare. It lost its appeal. So politically, I wish anti-Bush rock well. But musically, well, let's just say that, if Bush wins again, it might be time to pull out some of those old disco albums. **MICHAEL CROWLEY**

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Chad's Dangerous Legacy

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Before November 2000 few Americans knew about chad—hanging, dimpled, or pregnant. But as surely as a blue dress and an ill-fitting glove symbolize historic legal cases, chad has come to represent legal wrangling over voting and the presidency in 2000.

Unfortunately chad lives on. No, I'm not referring to the fact that nineteen states will use paper ballots in the 2004 election. Chad's larger and more dangerous legacy is the myth that voting must be uniform and perfect; if not, the courts will become the election arbiters.

The U.S. Constitution makes voting a matter for state legislatures, not federal courts. Article I, Section 4, of the Constitution provides that states will set the place, manner, and time of voting, expressly allowing for state authority and diversity, not federal uniformity, in elections.

But chad's torturous journey through state and federal courts in 2000 opened the floodgates for a host of other legal voting challenges this year. The question chad raised—whether certain balloting methods are improper under the equal protection clause of the Constitution—is now posed in various forms across the country, raising the specter of federal judges overruling state elections and creating national uncertainty.

Provisional ballots—a remedy aimed at some of the 2000 problems—are already being challenged in courts. Are differing state standards for voter identification fair? If a state uses paper ballots, or some untested new voting technology, are its voters' ballots more likely to be lost, or not properly counted, and therefore treated unequally? Some go as far to wonder whether the Electoral College process renders their vote less equal in a state strongly favoring one candidate compared with a vote in a battleground state. All these question are fodder for the thousands of new volunteer campaign lawyers and proactive federal judges.

Must election processes be uniform from state to state in order to be fair? The U.S. Constitution clearly answers no, expressly providing for state liberty and diversity in voting methods. Those who would prefer federal uniformity in elections must take that issue first to Congress, which retains a right of oversight in elections, and ultimately to the states themselves to approve a constitutional amendment.

Must voting methods be perfect in order to be fair? Again, the answer must be no. At the moment experts cannot even agree on which methodologies produce acceptable results. Far more work and funding are needed to determine what really improves the voting process, an effort Congress only began with the Help America Vote Act of 2002.

In the end, **we need confidence in our elections and democratic processes far more than we need perfect or uniform voting**. Let the Constitution's allocation of voting methodologies to the states and the efforts of Congress to identify and fund improved balloting processes do their proper work. And let the campaign lawyers and federal judges take an electoral chill pill, allowing the presidency to be settled by processes the Constitution established and the candidates understood and accepted.

—David Davenport

David Davenport is a research fellow at the Hoover Institution and a distinguished professor of public policy at Pepperdine University.

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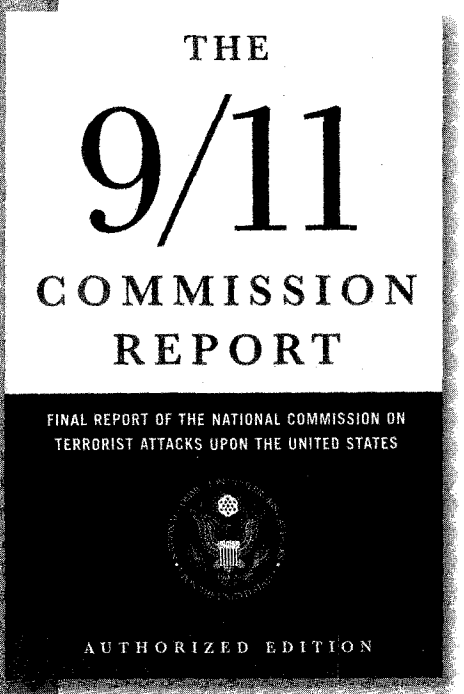

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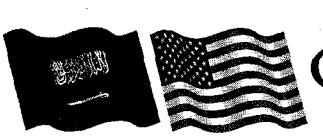
Strong Allies.  Committed Friends.

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